
WELSH STATUTORY INSTRUMENTS

2003 No. 483 (W.69)

ANIMALS, WALES

ANIMAL HEALTH

The Disease Control (Interim Measures) (Wales) Order 2003

Made - - - - 3rd March 2003

Coming into force - - 4th March 2003

The National Assembly for Wales and the Secretary of State, acting jointly in exercise of the powers conferred on them by sections 1, 7, 8(1) and 83 of the Animal Health Act 1981⁽¹⁾, make the following Order:

Title, application, commencement and cessation

1. This Order may be cited as the Disease Control (Interim Measures) (Wales) Order 2003; it applies in relation to Wales, comes into force on 4th March and ceases to have effect on 1st August 2003.

Interpretation

2. In this Order —

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

“collecting centre” (“*canolfan gasglu*”) means premises used for the intermediate reception of animals intended to be moved elsewhere (but does not include a market or other place used for the sale or trading of animals unless all the animals there are intended for immediate slaughter);

“keeper” (“*ceidwad*”) means any person having care and control of animals even on a temporary basis and includes, for the purposes of article 8(2)(a), any person transporting the animals;

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

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

(1) 1981 c. 22. Functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) were transferred so far as exercisable by the Secretary of State for Wales in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672). The joint functions of “the Ministers” 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). All 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).

“sole occupancy group” (“*grŵp meddianaeth unigol*”) has the meaning assigned by article 5; “veterinary surgeon” (“*milfeddyg*”) means a fellow or member of the Royal College of Veterinary Surgeons;

“slaughterhouse” (“*lladd-dy*”) has the meaning it is given in the Fresh Meat (Hygiene and Inspection) Regulations 1995(2);

“standstill period” (“*cyfnod segur*”) means a period when animals may not be moved off premises because of the provisions of article 3(1)(b); and

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

Restrictions on the movement of animals

3.—(1) The movement of an animal from any premises is prohibited unless —

- (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
- (b) no sheep, goats or cattle have been moved on to those premises during the previous 6 days, and no pigs have been moved on to those premises during the previous 20 days (“the standstill period”).

(2) Notwithstanding paragraph (1), animals may be moved off premises during the standstill period if —

- (a) the movement is one specified in Schedule 1, or
- (b) a permit disapplying the standstill period has been issued by a veterinary inspector.

(3) The standstill period is not triggered by a movement on to premises if it is a movement specified in Schedule 2.

(4) The requirement for a licence in paragraph (1)(a) does not apply to any movement authorised by a licence under article 10 of the Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No. 2) Order 2002(3) (licences relating to pet pigs).

(5) The requirements of paragraph (1) do not apply to a movement —

- (a) licensed under the Foot-and-Mouth Disease Order 1983(4), or
- (b) to or from any zoo licensed under the Zoo Licensing Act 1981(5).

Restrictions on movements to and from slaughterhouses

4. It is prohibited for any person to —

- (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.

Sole occupancy groups

5. The National Assembly for Wales and the Secretary of State may authorise sets of premises as sole occupancy groups if either of them is satisfied that the premises are linked in terms of their control.

(2) S. I. 1995/539 as last amended by S. I. 2002/129 (W.17).

(3) S. I. 2002/2303 (W.228) as amended by S. I. 2003/170 (W.30).

(4) S. I. 1983/1950 as last amended by S. I. 2001/4029.

(5) 1981 c. 37.

Licences, permits and authorisations

6.—(1) Any licence, permit or authorisation under this Order must be in writing, may be general or specific, may be subject to conditions and may be varied, suspended or revoked at any time by notice in writing issued —

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

(2) In deciding whether to issue a licence under article 3(1)(a) or a permit under article 3(2) an inspector or a veterinary inspector shall comply with any instructions issued by the National Assembly for Wales or the Secretary of State.

Licences issued in Scotland or England

7. A licence issued by the competent authority in Scotland or England for the purpose of the movement of animals operates in Wales as if it had been granted under this Order.

Notices prohibiting movement under a general licence

8.—(1) Where a general licence has been issued under article 3(1)(a), 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 specified in the notice from moving animals under the authority of that licence either generally or to or from any premises specified in the notice.

(2) A notice may only be issued under paragraph (1) on the advice of an inspector, who must be of the opinion that —

- (a) the provisions of this Order or of the 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.

(3) A notice issued under paragraph (1)(a) must be served on the occupiers of each of the premises specified in the notice and in any other way that the National Assembly for Wales or the Secretary of State think fit to draw the notice to the attention of persons affected by it.

(4) A notice issued under paragraph (1)(b) must be served on the person prohibited from moving animals by the notice and on the occupiers of any premises individually named in the notice.

(5) A notice must be in writing, may be subject to conditions and may be amended, suspended or revoked at any time by further notice by the National Assembly for Wales or the Secretary of State.

Specific licences

9.—(1) An animal moved under a specific licence must —

- (a) be moved by the most direct route available to the place of destination specified in the licence, and
- (b) be accompanied throughout the movement by the licence.

(2) The person in charge of any animal moved under a specific licence must, 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 —

- (a) produce the licence;
- (b) allow a copy or an extract to be taken; and
- (c) if so required, furnish his or her name and address.

(3) Every animal which is moved under the authority of a licence under this Order must be kept separate throughout such movement from any animal which is not being moved under the authority of that licence.

(4) Where animals are moved under a specific licence, then, unless the licence provides otherwise, the occupier of premises which they are moved on to must —

- (a) ensure that he or she or his or her representative is given the licence before allowing the animals to be unloaded; and
- (b) keep the licence for six months and produce it to an inspector on request.

General licences

10. Where animals are moved under a general licence, and that licence requires the person moving the animals to have a movement document, the occupier of premises which they are moved on to must —

- (a) ensure that he or she or his or her representative is given the top copy of the movement document before allowing the animals to be unloaded;
- (b) complete the top copy to indicate that he or she has received the animals, sign it, and send it to the local authority without delay; and
- (c) keep a copy of the completed document for six months.

Copies of licences

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

Compliance with licences, etc.

12. If any person fails to comply with a licence, permit, authorisation or notice issued under this Order an officer of National Assembly for Wales or the Secretary of State or an inspector may arrange for it to be complied with at the expense of the person in default.

Cleansing and disinfection

13.—(1) A licence issued under article 3(1)(a), a permit issued under article 3(2) or an authorisation under article 5 may specify requirements for the cleansing and disinfection of any vehicle used for moving animals additional to the requirements of the Transport of Animals (Cleansing and Disinfection) (Wales) Order 2003(6).

(2) The person responsible for moving animals must ensure, except where the licence, authorisation or permit provides otherwise, that all the requirements relating to cleansing and disinfection 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.

(3) Where animals are moved under a licence, the occupier of the premises which they are moved on to must provide adequate facilities, equipment and materials for any cleansing and disinfection required by the licence.

Change of occupation of premises

14.—(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 from those premises by reason of any restriction imposed by or under this Order, the person entitled to the occupation of those premises must —

- (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 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) 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 is 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.

Enforcement

15. This Order is to be enforced by the local authority or the Secretary of State.

Revocations

16. The following are revoked —

- (a) The Disease Control (Interim Measures) (Wales) (No.2) Order 2002(7);
- (b) The Disease Control (Interim Measures) (Wales) (No.2) (Amendment) Order 2002(8);
- (c) The Disease Control (Interim Measures) (Wales) (Amendment) Order 2003(9).

Signed on behalf of the National Assembly for Wales

3rd March 2003

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

(7) S. I. 2002/2304 (W.229).

(8) S. I. 2002/2480 (W.243).

(9) S. I. 2003/168 (W.28).

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3rd March 2003

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

SCHEDULE 1

Article 3(2)(a)

Movements off premises which are permitted during the standstill period

Movement for veterinary treatment, etc.

- 1.—(1) The movement of an animal to a place for veterinary treatment.
- (2) The movement of an animal from a place for veterinary treatment provided the animal has not come into contact with other animals while at the place of treatment.
- (3) The movement of an animal 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.

Movement for slaughter

2. The movement of an animal direct to a slaughterhouse.
3. The movement of a pig to a market for pigs intended for immediate slaughter.
4. The movement of an animal to a collecting centre for animals intended for immediate slaughter, provided that —
 - (a) 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
 - (b) all animals moved to the collecting centre are moved from there direct to a slaughterhouse.

Movement for artificial insemination

5. The movement of cattle or pigs to an artificial insemination centre.
6. The movement of sheep or goats to an artificial insemination centre provided they have been isolated from all other animals for 6 days before departure.

Animals for export

7. The movement 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 prior to such export.

Movement within a sole occupancy group

8. The movement of animals between premises in a sole occupancy group.

Common land

- 9.—(1) The movement of an animal between land over which the owner or keeper of the animal has a registered right of common and —
 - (a) premises occupied by the owner or keeper of the animal and in relation to which the registered right of common is customarily exercised; or
 - (b) 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.
- (2) The movement 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

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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.

(3) In this paragraph “registered right of common” means a right of common registered under the Commons Registration Act 1965(10).

Movement of pigs for breeding, etc.

10.—(1) The movement of a pig intended for breeding or growing in accordance with article 8(3)(b) of the Pigs (Records, Identification and Movement) (Interim Measures) (Wales) Order 2002.

(2) The movement of a pig intended for breeding other than in accordance with paragraph (1) if that pig has been placed in an isolation facility approved for this purpose by a veterinary inspector for 20 days prior to the movement.

Movement of pigs to shows or exhibitions

11. The movement of a pig being moved to a show or exhibition if it is isolated for 20 days prior to the movement taking place in premises approved for this purpose by a veterinary inspector.

Vehicles dropping off other animals

12. Movement of an animal which is on a vehicle which enters premises to drop off other animals, provided it has not left the means of transport while on the premises.

Deer

13. The movement of deer off any premises.

SCHEDULE 2

Article 3(3)

Movements on to premises that do not trigger the standstill period

Arrival at a market, etc.

1. The movement of an animal on to a market, collecting centre, artificial insemination centre, show or exhibition.

Movement of a pig under the Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No.2) Order 2002

2. Movement of a pig where that movement is as referred to in article 8(3)(b) of the Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No. 2) Order 2002.

Movement of a pig for breeding purposes

3.—(1) Arrival of a pig for breeding (other than one being moved under article 8(3)(b) of Pigs (Records, Identification and Movement) (Interim Measures) (Wales) Order 2002) on the breeding premises provided —

(10) 1965 c. 64.

- (a) prior to being moved, either there is no standstill period on the premises of departure, or alternatively it has been isolated for 20 days prior to the movement taking place in a facility approved for this purpose by a veterinary inspector;
 - (b) it is isolated while on the breeding premises (or for 20 days, whichever is shorter) in an isolation facility approved for this purpose by a veterinary inspector;
 - (c) any pig placed in the isolation facility with the pig brought on to the premise for breeding purposes has been on the breeding premises for at least 20 days before being placed in that facility;
 - (d) any other pig placed into the isolation facility on the breeding premises with the one brought on to those premises remains in isolation for 20 days after the arrival of the pig being brought into the premises, or for 20 days after being placed into isolation with it whichever is later; and
 - (e) the recipient of the breeding pig signs and sends to the local authority without delay a declaration that the pig is intended for breeding on those premises.
- (2) Movement of a pig (other than one being moved under article 8(3)(b) of Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No.2) Order 2002) which is being returned to those premises from a place to which it had been moved for breeding, provided that —
- (a) it is isolated for 20 days after the date of its return from all other animals, and
 - (b) the occupier of the premises from which the pig has returned from breeding has sent the declaration required in paragraph 3(e) above to the local authority.

Return of a pig from a show or exhibition

4. The return of a pig from a show or exhibition to the premises from which it was consigned to that show or exhibition provided that it is isolated for 20 days after its return in premises approved for this purpose by a veterinary inspector.

Artificial insemination centres

5. Arrival of cattle which are being returned to those premises from an artificial insemination centre.

6. Arrival of pigs which are being returned to those premises from an artificial insemination centre provided they are isolated from all other animals for 20 days after their return.

7. Arrival of sheep or goats which are returning from an artificial insemination centre provided —

- (a) they are isolated from all other animals for 6 days after their return; and
- (b) they were isolated from all other animals while at the artificial insemination centre.

Imported animals

8.—(1) The arrival of an imported animal at its point of entry into Wales.

(2) Movement of an animal from its point of entry into the United Kingdom following its import from another member State.

Movement within a sole occupancy group

9. The movement of animals between premises in a sole occupancy group.

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Vehicles collecting other animals

10. Movement of an animal brought on to premises in a vehicle to collect other animals provided that the animal is not unloaded at those premises.

Arrival from veterinary treatment, etc.

11. The arrival of sheep, goats, cattle or pigs being returned to those premises from a place for veterinary treatment or of any offspring to which they have given birth while there provided that, in the case of pigs, they are isolated from other animals for 20 days following their return.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Disease Control (Interim Measures) (Wales) (No. 2) Order 2002. It provides that cattle, deer, goats, pigs and sheep may not be moved without a licence, and provides that these animals (with the exception of deer) may not be moved from premises if cattle, goats or sheep have been moved on to those premises in the previous 6 days, or if pigs have been moved on in the previous 20 days. It also provides for exceptions from these requirements (article 3 and Schedules 1 and 2).

It controls movement of animals to slaughterhouses (article 4) and provides for sets of premises to be linked together as sole occupancy groups (article 5).

It makes provisions for licences, permits and authorisations, and empowers the National Assembly for Wales and the Secretary of State to serve notices removing individual premises or people from operating under a general licence (articles 6 to 12).

It provides for disinfection of vehicles (article 13).

It provides for change of occupation of premises affected by the Order (article 14).

It is to be enforced by the local authority (article 15).

Breach of the Order is an offence under section 73 of the Animal Health Act 1981, punishable in accordance with section 75 of that Act.

This Order will cease to have effect on 1st August 2003.

A regulatory appraisal has not been prepared for this Order.