
WELSH STATUTORY INSTRUMENTS

2006 No. 179

The Foot-and-Mouth Disease (Wales) Order 2006

PART 2

Notification, suspicion and investigation of disease

Notification of disease or suspected disease

9.—(1) A person who has in his or her possession or charge an animal or carcase which is infected or suspected of being infected must immediately notify the Divisional Veterinary Manager.

(2) A person who in the course of his or her occupation discovers that an animal or carcase not in his or her possession or charge is infected or suspected of being infected must immediately notify the Divisional Veterinary Manager.

(3) If the occupier of any premises notifies the Divisional Veterinary Manager under this article of an animal or carcase at those premises Schedule 2 will then apply in respect of those premises.

(4) Any constable who receives notification of disease under section 15(1) of the Act must immediately inform the Divisional Veterinary Manager.

(5) Any Divisional Veterinary Manager who receives notification under this article from someone other than the occupier of the premises where the notified animal or carcase is located may serve a notice on the occupier informing him or her of the notification and Schedule 2 will then apply in respect of those premises.

(6) Paragraphs (1) and (2) do not apply to a person in possession of or carrying the disease pathogen in accordance with the terms of a licence granted under the Specified Animal Pathogens Order 1998(1).

Notice of suspicion of disease

10.—(1) If an inspector suspects that disease exists or has within 56 days been present on any premises, he or she must immediately serve a notice on the occupier stating that fact and Schedule 2 will then apply in respect of those premises.

(2) If an inspector knows or suspects that an animal suspected of being contaminated is on any premises, he or she must immediately serve a notice on the occupier of those premises stating that fact and Schedule 2 will then apply in respect of those premises.

Suspicion of disease in animals in transit

11.—(1) If an inspector knows or suspects that an animal in transit is infected or contaminated he or she must immediately serve a notice on the keeper of the animal (if present) and on the person in charge of the vehicle—

- (a) stating that fact;

- (b) directing transport of the animal and any animal with it to such premises as he or she considers appropriate; and
- (c) detaining any vehicle, equipment or other thing suspected of contamination at a suitable place until it has been cleansed and disinfected.

(2) The inspector must ensure that the occupier of premises to which animals are directed is served with a notice on their arrival stating that those premises are under restriction and Schedule 2 will then apply in respect of those premises.

(3) The person in charge of any vehicle detained under paragraph (1)(c) must cleanse and disinfect it without delay in accordance with Schedule 2 to the Transport of Animals (Cleansing and Disinfection) (Wales) (No.3) Order 2003(2) and with any additional requirements an inspector imposes by serving a notice on him or her.

(4) The person in charge of any equipment or other thing detained under paragraph (1)(c) must cleanse and disinfect it in accordance with the directions of an inspector.

Veterinary inquiry into the existence of disease and declaration of suspect and infected premises

12.—(1) The Chief Veterinary Officer must ensure that the presence or suspicion of infection or contamination is investigated in accordance with this article by a veterinary inspector as soon as is reasonably practicable.

(2) The Chief Veterinary Officer must ensure that the presence or absence of disease on every premises in a temporary control zone where susceptible animals are, or have within 56 days before the declaration of that zone, been kept, is investigated in accordance with this article by a veterinary inspector as soon as is reasonably practicable.

(3) The veterinary inspector investigating must take all steps he or she considers necessary to determine whether disease exists or has within 56 days before the commencement of the investigation, existed on the premises and the related circumstances. In particular he or she must ensure that any samples necessary for that determination are taken (but sampling will not be considered necessary on premises which the Chief Veterinary Officer considers to be epidemiologically linked with a primary source of disease for which samples have already been taken).

(4) The veterinary officer investigating may mark any animal, carcass or other thing liable to spread disease found on the premises.

(5) If the veterinary officer investigating considers it necessary to submit a serological sample for testing to determine whether disease exists or has within 56 days existed on the premises, he or she must declare the premises to be suspect premises.

(6) The veterinary officer investigating must communicate to the Chief Veterinary Officer his or her opinion as to whether disease exists or has within 56 days before the investigation, existed on any premises under inquiry.

(7) If his or her opinion is that disease exists or has within 56 days before the investigation, existed on any premises, the veterinary officer investigating must also communicate to the Chief Veterinary Officer his or her opinions on at least the following—

- (a) the earliest date disease was present there;
- (b) the origin of disease;
- (c) any premises which may have been contaminated from the same origin;

- (d) the extent to which animals other than bovine animals or swine may have been infected or contaminated;
 - (e) any premises to or from which disease may have been carried;
 - (f) any other premises which he or she suspects to be contaminated;
 - (g) whether any premises under inquiry comprise two or more separate production units because they comply with the criteria in sub-paragraph 2A(7) of Schedule 3 to the Act,
- and in sub-paragraphs (c), (e) and (f), “premises” includes premises outside Wales.

(8) The Chief Veterinary Officer must consider and may confirm every opinion communicated to him or her under this article.

(9) If the Chief Veterinary Officer concludes after consideration of any opinion communicated to him or her under this article, that one or more of the criteria in Schedule 3 are satisfied in respect of any premises he or she must confirm disease there.

(10) If the Chief Veterinary Officer confirms disease at any premises the National Assembly must declare those premises to be infected premises.

(11) Declarations under this article must be by notice served on the occupier.

(12) An infected premises is an infected place for the purpose of the Act.

Separate production units

13.—(1) The National Assembly may by notice served on the occupier of any premises (other than infected premises) investigated under article 12, declare that they are to be regarded as two or more separate production units if the Chief Veterinary Officer advises at the time of the veterinary inquiry that in his or her opinion—

- (a) the premises comply with the criteria in paragraphs (a)-(c) of sub-paragraph 2A(7) of Schedule 3 to the Act; and
- (b) each of those sub-paragraphs has applied continuously for at least—
 - (i) 28 days immediately prior to the date of the inquiry, if only bovine animals or swine have been on the premises within that period, or
 - (ii) 42 days immediately prior to that date in any other case.

(2) A declaration under sub-paragraph (1) must identify and designate the boundaries of each separate unit and must declare every separate unit which is free of disease, to be a free unit.

(3) A unit must cease to be a free unit on—

- (a) variation of the notice declaring it such that it is no longer declared to be a free unit, or
- (b) revocation of that notice.

Tracing of possible disease spread

14.—(1) The National Assembly must declare premises (other than infected premises) to be suspect premises if the Chief Veterinary Officer advises that he or she suspects them of contamination from premises already declared to be suspect premises or from a suspected case of disease outside Wales.

(2) The National Assembly must declare premises (other than infected or suspect premises) to be contact premises if the Chief Veterinary Officer advises either—

- (a) that disease may have been carried there from any premises, or
- (b) that disease may have been carried to any premises from there,

and in sub-paragraphs (a) and (b) “premises” includes premises outside Wales.

(3) Declarations under this article must be by notice served on the occupier.

(4) The National Assembly must ensure that any premises declared to be suspect or contact premises under this article are subjected to investigation in accordance with article 12 as soon as is reasonably practicable.

(5) Where, following a declaration under article 13(1), premises are to be regarded as consisting of separate production units, the National Assembly must amend any declaration under paragraph (2) to specify to or from which units disease may have been carried and only those units so specified are to form the contact premises.

(6) Schedule 2 applies in respect of suspect or contact premises declared under this article.

Maintenance of measures in respect of premises

15.—(1) If premises are declared to be infected premises, they will no longer be suspect or contact premises.

(2) Schedule 2 will continue to apply to premises if they are declared to be infected premises.

(3) The National Assembly must not revoke any notice declaring premises to be suspect premises until it is advised by the Chief Veterinary Officer that he or she no longer suspects infection or contamination there.

(4) The National Assembly must not revoke any notice declaring premises to be contact premises until it is advised by the Chief Veterinary Officer that he or she no longer suspects that disease may have been carried there or from there.

(5) The National Assembly must not revoke any notice declaring premises to be infected until completion of the final cleansing and disinfection measures in paragraphs 15 to 17 of Schedule 1.

Declaration of a temporary control zone

16.—(1) On declaration of any suspect premises the National Assembly must also declare a temporary control zone around those premises of such size as it considers necessary to prevent the spread of disease.

(2) If the National Assembly is satisfied that an animal or carcass in England or Scotland is suspected of being infected or contaminated, it may declare a temporary control zone in such part of Wales and of such size as it considers necessary to prevent the spread of disease.

(3) An area is to remain a temporary control zone (or part of one) until—

(a) it becomes part of a protection zone or a surveillance zone; or

(b) the National Assembly is advised by the Chief Veterinary Officer that he or she no longer suspects infection there, in which case the National Assembly must—

(i) if the area comprises the whole zone, terminate the zone by revoking the declaration,
or

(ii) otherwise, amend the declaration so as to exclude that area.

(4) Any amendment or revocation of a declaration creating a temporary control zone must refer to that declaration and state the date and time it is to take effect.

(5) Any premises which are partly inside and partly outside a temporary control zone are deemed to be wholly inside it.

Measures applicable in respect of a temporary control zone

17.—(1) No person is permitted to move any susceptible animal into or out of a temporary control zone, except where the movement is—

- (a) through the zone without stopping, or
- (b) necessary to complete a journey started before the creation of the zone.

(2) Subject to paragraph (3), when a temporary control zone has been declared no person is permitted to move any susceptible animal from or to premises in the zone except to complete a journey started before the creation of the zone or under the authority of a licence granted by an inspector.

(3) The National Assembly may, if it considers it necessary to prevent the spread of disease, declare that instead of the restriction in paragraph (2) all the following measures apply in a temporary control zone—

- (a) the occupier of any premises in the zone where susceptible animals are kept must create and maintain a record in accordance with paragraph 1 of Schedule 2;
- (b) the occupier of any premises in the zone where susceptible animals are kept must isolate animals in accordance with sub-paragraph 3(1) of that Schedule;
- (c) the following paragraphs of that Schedule apply to premises in the zone where susceptible animals are kept—
 - (i) paragraph 4 (movement of susceptible animals);
 - (ii) paragraph 5 (movement of things liable to spread disease);
 - (iii) paragraph 6 (movement of fodder, etc.);
 - (iv) paragraph 7 (movement of persons on to or off premises);
 - (v) paragraph 10 (movement of vehicles);
 - (vi) paragraph 11 (movement of non-susceptible animals).
- (4) The measures in paragraphs (2) and (3) apply—
 - (a) subject to article 20(2)(b), and
 - (b) without prejudice to any requirement or restriction which applies in any part of a temporary control zone because that part falls within—
 - (i) a vaccination zone or vaccination surveillance zone, or
 - (ii) a wild animal infected zone.

Supplementary measures in respect of a temporary control zone: straying of susceptible animals

18.—(1) The keeper of a susceptible animal in a temporary control zone must take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a temporary control zone.

Declaration of supplementary movement control zone

19.—(1) When a temporary control zone has been declared, the National Assembly may also declare a supplementary movement control zone of such size as it considers necessary to prevent the spread of disease.

- (2) A supplementary movement control zone must include its associated temporary control zone.
- (3) An area must remain a supplementary movement control zone (or part of one) until—
 - (a) it becomes part of a protection zone or a surveillance zone; or
 - (b) the associated temporary control zone is terminated;

- (c) the National Assembly amends the declaration so as to exclude that area; or
 - (d) the National Assembly revokes the declaration.
- (4) Any amendment or revocation of a declaration creating a supplementary movement control zone must refer to that declaration and state the date and time it is to take effect.
- (5) Any premises which are partly inside and partly outside a supplementary movement control zone are deemed to be wholly inside it.
- (6) A supplementary movement control zone applies in respect of—
- (a) susceptible animals; and
 - (b) any class of non-susceptible animal specified in the declaration during a period also specified there (which must not exceed 72 hours from the zone's declaration).

Measures applicable in respect of a supplementary movement control zone

20.—(1) No person is permitted to move any animal in respect of which a supplementary movement control zone applies from or to any premises in such a zone or into or out of such a zone except where the movement is—

- (a) through the zone without stopping,
 - (b) necessary to complete a journey started before the creation of the zone, or
 - (c) movement of a horse for veterinary treatment under the authority of a licence granted by an inspector.
- (2) Paragraph (1) applies—
- (a) without prejudice to article 17(1);
 - (b) in a temporary control zone in place of article 17(2) or 17(3)(c)(i); and
 - (c) without prejudice to any requirement or restriction which applies in any part of a supplementary movement control zone because that part falls within—
 - (i) a vaccination zone or vaccination surveillance zone, or
 - (ii) a wild animal infected zone.
- (3) Any inspector granting a licence under paragraph (1)(c) must take account of the recommended measures in paragraph 2.1 of Annex VI to the Directive.