
WELSH STATUTORY INSTRUMENTS

2006 No. 180

**The Foot-and-Mouth Disease (Control of
Vaccination) (Wales) Regulations 2006**

PART 3

General and supplementary provisions

Cleansing and disinfection of vehicles: provision of facilities, equipment and materials

28. Where cleansing and disinfection of vehicles is required at any premises by or under these Regulations the occupier of those premises must provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

Marks applied under these Regulations

29. No person is permitted to obscure or erase a mark applied to any animal, carcase, animal product, vehicle or other thing under these Regulations unless—

- (a) the mark is the overstamp to a health mark or identification mark in which case the overstamp may be removed in the same manner as that mark, or
- (b) an inspector has given written authority.

Change of occupation of premises under restriction

30.—(1) This regulation applies if the keeper of any animal or poultry is unable to move it from premises on the termination of his or her right of occupation because of a restriction imposed by or under these Regulations.

(2) Where this regulation applies, the person entitled to occupation of the premises on that termination must—

- (a) provide such facilities for feeding, tending or otherwise using the animal or poultry (including selling it) as the keeper may reasonably require, and
- (b) allow entry to the premises to that keeper and any person authorised by him or her at reasonable times for feeding, tending or otherwise using the animal or poultry.

(3) If the keeper is unable or unwilling to feed or tend the animal or poultry, the person entitled to occupation of the premises must take such steps as are necessary to ensure it is properly fed and tended.

(4) The keeper of the animal or poultry is liable to pay the reasonable costs incurred under this regulation by any person feeding or tending it, or providing facilities for feeding, tending or otherwise using it.

Reasonable assistance

31. Any person required to give reasonable assistance or information to a person acting in the execution of these Regulations for the performance of his or her functions under it must, unless he or she has reasonable cause, do so without delay.

False information

32. No person is to furnish information which he or she knows to be false or misleading to a person acting in the execution of these Regulations.

Production of records

33.—(1) Any person required to produce a record by a person acting in the execution of these Regulations must do so without delay.

(2) On production, a person acting in the execution of these Regulations may—

- (a) copy any records, in whatever form they may be held, or
- (b) remove any records to enable them to be copied, or where they are kept electronically, require them to be produced in a form which may be taken away.

(3) A person removing records under this regulation must give a written receipt for them.

Compliance with notices and directions

34.—(1) Any notice served under these Regulations must be complied with at the expense of the person on whom it is served, except where otherwise provided in that notice.

(2) Any oral direction given under these Regulations must be complied with at the expense of the person to whom it is given, except where otherwise provided in a written direction of the National Assembly.

Powers of inspectors

35.—(1) Section 63 of the Act applies as if these Regulations were contained within the Act and as if the definition of animal in section 87 of the Act was extended to include every susceptible animal.

(2) The following provisions of the Act apply as if these Regulations were an Order made under the Act and as if the definition of animal in section 87 of the Act was extended to include every susceptible animal—

- (a) section 64A (powers of inspectors relating to Community obligations), and
 - (b) section 65(1) to (3) (power to detain vessels and aircraft).
- (3) Section 65A of the Act (inspection of vehicles) applies as if—
- (a) these Regulations were an Order under the Act;
 - (b) the definition of animal in section 87 of the Act was extended to include every susceptible animal; and
 - (c) every vaccination zone and vaccination surveillance zone was designated for the duration of its existence for the purposes of that section.

Enforcement, offences and proceedings

36.—(1) The following provisions of the Act apply as if these Regulations were an Order made under the Act—

- (a) section 60 (duties and authorities of constables),

- (b) section 66 (refusal and obstruction),
- (c) section 67 (issue of false licences etc.),
- (d) section 68 (issue of licences etc. in blank),
- (e) section 71 (other offences as to licences);
- (f) section 71A, (prosecutions: time limit)
- (g) section 73 (general offences);
- (h) section 77 (money recoverable summarily), and
- (i) section 79(1) to (4) (evidence and procedure)

and as if the definition of animal in section 87 of the Act was extended to include every susceptible animal.

(2) Section 69 of the Act (falsely obtaining licences etc.) applies as if licences, certificates or instruments granted or issued under these Regulations were granted or issued under an Order made under the Act.

(3) Section 75 of the Act (penalties for certain summary offences) applies as if these Regulations were an Order made under the Act except that any term of imprisonment on summary conviction is not to exceed three months.

Production of licences and unloading after licensed movements

37. Every person issued with a licence under these regulations, must, while executing the licensed activity, carry the licence and produce it to an inspector on demand and without delay.

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

38.—(1) This regulation applies in every vaccination zone and vaccination surveillance zone.

(2) Where this regulation applies, a veterinary inspector may, if he or she considers it necessary to prevent the spread of disease, require—

- (a) the detention and isolation of any vehicle, equipment or other thing and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier of the premises where it is present, or on the person in charge of it;
- (b) the cleaning and disinfection of any premises or other place in accordance with Schedule 1 to the Order by serving a notice requiring it on the occupier of those premises or that place;
- (c) the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him or her requiring it;
- (d) any person to cleanse himself or herself by serving a notice requiring it on him or her;
- (e) the detention or isolation in a specified place of any animal or poultry by serving a notice requiring it on the occupier of the premises where it is present, or on its keeper;
- (f) the separation of any animal or poultry from other animals or poultry by serving a notice requiring it on the occupier of the premises where it is present, or on its keeper.

(3) A notice under this regulation may contain such directions and conditions as the person serving it considers necessary to prevent the spread of disease.

(4) The powers conferred on a veterinary inspector by this regulation are without prejudice to powers conferred by any other provision of these Regulations.

Powers of inspectors in case of default

39.—(1) Where a person fails to comply with a requirement imposed by or under these Regulations an inspector may take any steps he or she considers necessary to ensure the requirement is met.

(2) Where a person acts in contravention of a requirement imposed by or under these Regulations an inspector may take any steps he or she considers necessary to rectify the situation so as to prevent the spread of disease.

(3) In taking steps under paragraph (1) or (2) an inspector may seize and detain any animal moved, kept or otherwise dealt with in contravention of a restriction or requirement imposed by or under these Regulations.

(4) In taking steps under paragraph (2), an inspector may by notice served on any person direct that person to take or refrain from specified action in respect of any place, animal, poultry, vehicle, animal product or other thing.

(5) Any steps taken under this regulation are without prejudice to proceedings for an offence arising out of the default.

(6) The person in default must reimburse any reasonable expenses incurred by the National Assembly or the local authority in taking such steps and any reimbursement is recoverable summarily.

Offences by bodies corporate

40.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he or she as well as the body corporate will be guilty of an offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Offences: no knowledge of restriction or requirement

41. No person will be guilty of failing to comply with a restriction or requirement which applies because of the declaration of—

- (a) a vaccination zone, or
- (b) a vaccination surveillance zone

if he or she shows to the court’s satisfaction that he or she did not know of that restriction or requirement and that he or she could not with reasonable diligence have obtained knowledge of it.

Enforcement

42.—(1) Subject to paragraphs (2) and (3), these Regulations are to be enforced by the local authority.

(2) These Regulations are to be enforced in relation to slaughterhouses by the National Assembly.

(3) The National Assembly may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority under these Regulations is to be discharged by the National Assembly and not by the local authority.

Revocations

43. The following instruments are revoked—

- (a) the Foot-and-Mouth Disease (Infected Areas) (Vaccination) Order 1972⁽¹⁾ (insofar as the Order applies to Wales); and
- (b) the Foot-and-Mouth Disease (Prohibition of Vaccination) (Wales) Regulations 2001⁽²⁾.

⁽¹⁾ S.I.1972/1509

⁽²⁾ S.I. 2001/2374 (W.198).