
WELSH STATUTORY INSTRUMENTS

2009 No. 2940 (W.257)

ANIMALS, WALES

ANIMAL HEALTH

**The Movement of Animals (Restrictions)
(Wales) (Amendment) Order 2009**

Made - - - - 3 November 2009

Coming into force - - 25 November 2009

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 1 and 8(1) of the Animal Health Act 1981(1) and now vested in them(2).

Title, application and commencement

1. The title of this Order is the Movement of Animals (Restrictions) (Wales) (Amendment) Order 2009. It applies in relation to Wales and comes into force on 25 November 2009.

Amendment

2.—(1) The Movement of Animals (Restrictions) (Wales) Order 2003(3) is amended as follows.

(2) For article 5, substitute—

“Declaration of a temporary control area

5.—(1) If the Welsh Ministers suspect that—

(a) disease exists on any premises; or

(b) animals on any premises may be or have been exposed to disease,

they may declare in writing an area to be a temporary control area.

(2) A temporary control area must be at least 1 kilometre in radius or larger if the Welsh Ministers consider it necessary in order to prevent the spread of disease.

(1) 1981 c. 22.

(2) See section 86(1) for a definition of “the Ministers”. The functions of “the Ministers” insofar as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of S.I. 1999/672 and S.I. 2004/3044. Functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of and Schedule 11 to the Government of Wales Act 2006.

(3) S.I. 2003/399 (W.56).

- (3) Any premises which are partly inside and partly outside a temporary control area are deemed to be wholly within that area.
- (4) In a declaration under paragraph (1), the Welsh Ministers must—
- (a) specify the disease which the Welsh Ministers suspect to exist, or, if no specific disease is suspected, state that the Welsh Ministers suspect disease to exist; and
 - (b) specify the species of animal to which the declaration applies.
- (5) The Welsh Ministers may specify in a declaration under paragraph (1)—
- (a) the biosecurity measures which must be taken on premises in a temporary control area or in any part of that area; and
 - (b) such other measures which are to apply in the temporary control area, or in any part of that area, as the Welsh Ministers consider necessary in order to prevent the spread of disease.
- (6) The Welsh Ministers may prohibit in a declaration under paragraph (1) the movement of any animal or thing capable of spreading disease—
- (a) into or out of the temporary control area; and
 - (b) onto or from any premises in the temporary control area.
- (7) But a person may move any such animal or thing under the authority of a licence issued by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.
- (8) A person to whom a requirement or prohibition in a declaration under paragraph (1) applies must—
- (a) comply with the requirement or prohibition; and
 - (b) comply with any reasonable request which a veterinary inspector or an inspector of the local authority may make to ensure that the requirement or prohibition is complied with.
- (9) The Welsh Ministers may revoke or amend in writing a declaration under paragraph (1) at any time.
- (10) Such an amendment or revocation must—
- (a) refer to the declaration; and
 - (b) state the date and time the revocation or amendment is to take effect.”.
- (3) Omit article 6.
- (4) In article 10, after paragraph 1 insert—
- “(1A) A licence under this Order may be general or specific.”.

3 November 2009

Elin Jones
Minister for Rural Affairs, one of the Welsh
Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Movement of Animals (Restrictions) (Wales) Order 2003, [S.I. 2003/399 \(W.56\)](#) (“the 2003 Order”).

Article 5 of the 2003 Order is replaced by a new article enabling the Welsh Ministers to declare a temporary control area in the event that the Welsh Ministers suspect that disease exists on any premises or that animals may be or have been exposed to disease. (By virtue of article 2(b) of the 2003 Order, “disease” means any disease of animals).

Article 6 of the 2003 Order is omitted.

Article 10 is amended so that a licence under the 2003 Order may be general or specific.

No impact assessment has been prepared for this Order.