

687.01

STATUTORY INSTRUMENTS

1989 No. 285

ANIMALS

ANIMAL HEALTH

The Zoonoses Order 1989

Made - - - - - *28th February 1989*

Coming into force - - - *1st March 1989*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 7(1) and (2), 8(1), 17(1), 23, 29, 72, 86(1), 87(2) and (5)(a) of the Animal Health Act 1981⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Zoonoses Order 1989 and shall come into force on 1st March 1989.

Extension of definitions of “animals” and “poultry”

2. For the purposes of the Act in its application to the presence in animals or poultry of designated organisms –

- (a) the definition of “animals” in section 87(1) of the Act is hereby extended so as to comprise –
 - (i) any kind of mammal except man, and
 - (ii) any kind of four-footed beast which is not a mammal; and
- (b) the definition of “poultry” in section 87(4) of the Act is hereby extended so as to comprise birds of every species.

Interpretation

3. In this Order, unless the context otherwise requires –
- “the Act” means the Animal Health Act 1981;

(1) 1981 c. 22; as applied by S.I.1975/1030; section 86(1) contains a definition of the “Ministers” relevant to the exercise of the statutory powers under which this Order is made

“the appropriate Minister” means, in relation to England, the Minister and in relation to Scotland or to Wales, the Secretary of State;

“approved disinfectant” means a disinfectant for the time being listed in the Diseases of Animals (Approved Disinfectants) Order 1978⁽²⁾ as approved for use under a general order;

“animal” means any kind of mammal, except man, and any kind of four-footed beast which is not a mammal;

“carcase” means the carcase of an animal or of any poultry and includes part of a carcase or any portion thereof;

“designated organism” means an organism designated by article 4 of this Order for the purposes of section 29 of the Act;

“feedingstuff” means feedingstuff whatever its derivation and includes any ingredient used in the preparation of a feedingstuff;

“infected place” means premises declared to be an infected place by a notice served under article 6 of this Order;

“inspector of the Minister” means a person appointed by the Minister to be an inspector for the purposes of the Act and includes a veterinary inspector;

“the Minister” means the Minister of Agriculture, Fisheries and Food and “the Ministers” means the Minister, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly;

“premises” includes land;

“product” means milk, eggs, wool, meat, offal, dung or other substance directly derived from an animal or from any poultry, whether mixed with any other substance or not, and includes used bedding litter;

“poultry” means birds of any species;

“veterinary inspector” means a veterinary inspector appointed by the Minister.

Designation of organisms for the purposes of section 29

4.—(1) The following organisms, being organisms which, when carried in animals or poultry, constitute in the opinion of the Ministers a risk to human health, are hereby designated for the purposes of section 29 of the Act, that is to say –

- (a) organisms of the genus salmonella; and
- (b) organisms of the genus brucella.

(2) The provisions of the Act listed in Schedule 1 to this Order shall apply in relation to the presence of a designated organism in an animal or in any poultry as if the presence of the organism were a disease to which the Act applies.

Inspections, taking samples etc.

5.—(1) An inspector of the Minister who enters any land, building or other place in exercise of his powers under section 63(9) of the Act or who enters any pen, shed, land or other place in exercise of his powers under section 64(1) of the Act may –

- (a) carry out such inquiries, examinations and tests; and
- (b) take such number of birds and such other samples,

as are necessary to ascertain whether any designated organism exists or has existed there.

(2) S.I. 1978/32; relevant amending instrument is S.I. 1989/144.

(2) An inspector of the Minister may, for the purposes of identification, mark any animal, poultry, carcase, product or feedingstuff or other thing in relation to which any of the powers under paragraph (1) above has been exercised.

Infected places

6.—(1) Where a veterinary inspector has reasonable grounds for supposing that there is or has been on any premises an animal or any poultry or feedingstuff in which a designated organism is or was present, or the carcase of such an animal or poultry or a product derived from such an animal or poultry, he may serve a notice on the occupier of the premises declaring them to be an infected place.

(2) A veterinary inspector may, by the same notice as is referred to in paragraph (1) above or by a further notice served in the like manner, –

- (a) prohibit the movement of any animal, poultry, carcase, product or feedingstuff into or out of the infected place except under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued;
- (b) prohibit the movement out of the infected place of any dung, droppings, equipment, utensil, appliance, vehicle or other thing except under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued;
- (c) require any animal, poultry, carcase, product or feedingstuff specified in the notice to be detained in such part of the infected place as may be so specified, except that any such animal, poultry, carcase or product or feedingstuff may be moved out of the infected place under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued;
- (d) require any animal, poultry, carcase, product or feedingstuff specified in the notice to be isolated from any other animal, poultry, carcase, product or feedingstuff or from human beings (other than those persons whose presence is necessary for the purposes of providing care and attention for them).

(3) A notice served under this article may at any time be revoked or varied by a further notice served by a veterinary inspector on the occupier of the infected place.

(4) Any notice which may be served or licence which may be issued by a veterinary inspector under this article may be served or issued by an inspector of the Minister acting under the direction of a veterinary inspector.

Cleansing and disinfection

7.—(1) An inspector of the Minister may, by notice in writing served on the occupier of an infected place or of any other premises in which a designated organism is known or suspected to have been present, require him to cleanse and disinfect at his own expense or, if the notice so specifies, at the expense of the appropriate Minister, with an approved disinfectant and in such manner and within such period as may be specified in the notice –

- (a) all or any part of the infected place or other premises; and,
- (b) any equipment, utensil, appliance or other thing used there in connection with any animal, poultry, carcase, product or feedingstuff.

(2) An inspector of the Minister may, by notice in writing served on the owner or person in charge of any vehicle which is used for the carriage of any animal, poultry, carcase, product or feedingstuff in which a designated organism is known or suspected to have been present, require him to cleanse and disinfect at his own expense or, if the notice so specifies, at the expense of the appropriate Minister, with an approved disinfectant and in such manner and within such period as may be specified in the notice –

- (a) the vehicle; and
- (b) any equipment, utensil, appliance or other thing used in connection with such carriage.

(3) If any person on whom a notice has been served under paragraph (1) or (2) above fails to comply with the requirements of the notice, an officer of the appropriate Minister may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and, except where the requirements of the notice are to be carried out at the expense of the appropriate Minister, the amount of any expenses reasonably incurred by him in doing so shall be recoverable as a civil debt by the appropriate Minister from the person in default.

Reporting of presence of designated organisms

8.—(1) Subject to paragraphs (3) and (4) below, where the presence of a designated organism in a sample taken from an animal or bird, or from the carcass, products or surroundings of an animal or bird or from any feedingstuff is identified by a laboratory examination or by a serological or other examination carried out elsewhere than at a laboratory, the person in charge of the laboratory, or, in the case of an examination carried out elsewhere than at a laboratory, the person carrying out such examination shall forthwith make to a veterinary officer of the Minister a written or oral report containing the particulars specified in Schedule 2 to this Order.

(2) A person who is under an obligation to make a report under paragraph (1) above shall, if so required by an officer of the appropriate Minister, supply that officer with a culture of the designated organism in respect of which that obligation arose.

(3) Nothing in paragraph (1) above shall require a person to make a report where his knowledge or suspicion of the presence of a designated organism results from an identification made by or on behalf of the appropriate Minister.

(4) Where a designated organism has been deliberately introduced into an animal or bird in a research establishment and neither the animal or bird, nor any other animal or bird to which the organism might be transmitted, nor any carcass of, or product derived from, any such animal or bird, is to be sold or otherwise disposed of either for human consumption or for consumption by animals or birds or in any other way which may create a risk to human health, the fact that the presence of the organism is identified in a sample taken from the animal or bird shall not give rise to any obligation to make a report under paragraph (1) above.

(5) For the purposes of this article –

- (a) “animal” means a bull, cow, steer, heifer, calf, horse, deer, sheep, goat, pig or rabbit;
- (b) “bird” means a domestic fowl, turkey, goose, duck, guinea-fowl, pheasant, partridge, quail or pigeon;
- (c) “research establishment” means an establishment carrying out research into a designated organism;
- (d) “veterinary officer of the Minister” means an officer of the Minister who is a person registered in the register of veterinary surgeons or in the supplementary veterinary register; and
- (e) each serotype of the genus salmonella shall be regarded as a separate organism and a person shall not be absolved from an obligation under paragraph (1) above to make a report in respect of an animal, bird or feedingstuff or in respect of the carcass, products or surroundings of an animal or bird by reason of the fact that a report in relation to another serotype of the genus salmonella, or to salmonella of an unidentified serotype, has already been made in respect of that animal, bird, carcass or feedingstuff or in respect of those products or surroundings.

Offences

9. Any person who, without lawful authority or excuse, proof of which shall lie on him, –
- (a) defaces, obliterates or removes any mark applied to any animal, poultry or carcase under article 5(2) of this Order;
 - (b) contravenes any provision of this Order or any provision of a licence issued or of a notice served under this Order; or
 - (c) fails to comply with any such provision or with any condition of such a licence or notice; or
 - (d) causes or permits any such contravention or non-compliance, commits an offence against the Act.

Local authority to enforce Order

10. The provisions of this Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Revocation

11. The Zoonoses Order 1975(3) is revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th February 1989.

(L.S.)

John MacGregor
Minister of Agriculture, Fisheries and Food

28th February 1989

Sanderson of Bowden
Minister of State, Scottish Office

28th February 1989

Peter Walker
Secretary of State for Wales

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SCHEDULE 1

Article 4(2)

PROVISIONS OF THE ANIMAL HEALTH ACT 1981 APPLIED IN
RELATION TO THE DESIGNATED ORGANISMS WITH A VIEW TO
REDUCING THE RISK TO HUMAN HEALTH FROM THOSE ORGANISMS

Provision	Description
Section 1	General powers of Ministers to make Orders
Section 3	Expenditure for eradication of disease
Section 4	Offences relating to section 3
Section 5	Power to provide veterinary services
Section 7	Cleansing and disinfection
Section 8	Movement generally
Section 10	Importation
Section 11	Export to Member States
Sections 17, 18 and 23	Infected places and areas
Section 25	Movement of diseased or infected animals
Section 27	Exclusion of persons from infected areas and places
Section 28	Seizure of diseased or suspected animals
Section 31(e)	Power to slaughter in relation to poultry
Section 32	Slaughter in other diseases
Section 33	Additional staff and expenses relating to slaughter
Section 34	Slaughter and compensation generally
Section 35	Seizure and disposal of things by means of which disease may be carried or transmitted
Section 36	Compensation for seizure
Section 50	Local authorities for the purposes of the Act
Section 51	Local authorities and their districts
Section 52	Inspectors and other officers of local authorities
Section 53	Borrowing powers of local authorities
Section 59	Default of local authorities
Section 60	Powers and duties of constables
Section 63	General powers of inspectors
Section 64	Powers of inspectors as to poultry
Section 66	Refusal of admission to land etc. and obstruction
Section 67	Issue of false licences etc.

Provision	Description
Section 68	Issue of licences etc. in blank
Section 69	Falsely obtaining licences etc.
Section 71	Other offences as to licences
Section 72	Offences made and declared by and under the Act
Section 73	General offences
Section 75	Punishment for offences
Section 76	Certain importation offences triable either summarily or on indictment
Section 77	Money recoverable summarily as a civil debt
Section 78	Right of appeal
Section 79	Evidence and procedure under the Act
Section 80	Yearly returns to Parliament
Section 81	Reports to Ministers
Section 83	Form and service of instruments
Section 84	Fees
Section 86	Ministers and their functions
Section 87	Meaning of “animals” and “poultry”
Section 89	Other interpretation provisions
Section 90	Application to hovercraft
Section 91	Publication etc of Orders
Section 92	General application to Scotland
Schedule 2	Matters about which provision may be made in an Order under section 10
Schedule 3, paragraph 5	Slaughter of poultry

SCHEDULE 2

Article 8(1)

PARTICULARS REQUIRED TO BE GIVEN IN A WRITTEN OR ORAL REPORT OF THE PRESENCE OR SUSPECTED PRESENCE OF A DESIGNATED ORGANISM

1. The known or suspected identity of the organism.
2. The nature of the sample from which the designated organism was isolated.
3. The address of the premises at which the sample was taken and the name of the owner or person in charge of those premises (stating which).
4. The species and type of animal or bird from which the sample was taken (if appropriate).
5. The date on which the sample was examined.

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6. The name and address of the person submitting the report.
 7. In the case of a written report, the signature of the person submitting the report and the date.
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EXPLANATORY NOTE

(This note is not part of the Order)

Section 29 of the Animal Health Act 1981 (“the Act”) empowers Ministers, with a view to reducing the risk to human health from any organism carried in animals or poultry, to make an order designating any organism which, in their opinion, constitutes such a risk and to apply any provision of the Act to that organism.

This Order, which revokes and re-enacts, with amendments, the provisions of the Zoonoses Order 1975, designates (as did the 1975 Order) organisms of the genus salmonella and the genus brucella for the purposes of section 29 of the Act (article 4(1)) and applies certain provisions of the Act (including powers relating to the slaughter of poultry) to those organisms with a view to reducing any risk to human health from them (article 4(2) and Schedule 1).

The Order continues to provide for –

- (a) the declaration as an infected place of premises on which there is or has been an animal or any poultry in which a designated organism is or was present and the imposition, by notice, of movement restrictions and isolation requirements (article 6); and
- (b) the cleansing and disinfection of premises and vehicles in which a designated organism is known or suspected to have been present (article 7).

The changes of substance made by this Order are the inclusion of provisions which –

- (a) empower a Ministry inspector who has entered any premises in exercise of his powers under section 63(9) or section 64 of the Act to carry out such inquiries, examinations and tests and to take such samples as are necessary to ascertain whether any designated organisms are or have been present there (article 5); and
- (b) extend the requirement for making a report concerning the identification of a designated organism in a sample taken from certain animals, birds etc. (article 8 and Schedule 2).