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STATUTORY INSTRUMENTS

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**2001 No. 2375**

**ANIMALS, ENGLAND**

ANIMAL HEALTH

**The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2001**

<i>Made</i>	- - - -	<i>4th July 2001</i>
<i>Laid before Parliament</i>		<i>5th July 2001</i>
<i>Coming into force</i>	- -	<i>5th July 2001</i>

The Secretary of State for Environment, Food and Rural Affairs, being designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on her by that section, and of all other powers enabling her in that behalf, makes the following Regulations:

**Citation, extent and commencement**

1. These Regulations may be cited as the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2001; they extend to England and come into force on 5th July 2001.

**Interpretation**

2. In these Regulations, unless the context otherwise requires—

“the Directive” means Council Directive [85/511/EEC](#) introducing Community measures for the control of foot-and-mouth disease<sup>(3)</sup>;

“inspector” means—

- (a) a person appointed by the Secretary of State or the local authority to be an inspector for the purposes of these Regulations; and
- (b) a person appointed by the Minister or the local authority to be an inspector for the purposes of the Animals and Animal Products (Import and Export) (England and Wales) Regulations 2000<sup>(4)</sup> or the Products of Animal Origin (Import and Export) Regulations 1996<sup>(5)</sup>;

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(1) S.I. [1972/1811](#).

(2) [1972 c. 68](#).

(3) OJ No. L315, 26.11.85, p. 11, as amended in particular by Council Directive [90/423/EC](#) (OJ No. L224, 18.8.90, p. 13).

(4) S.I. [2000/1673](#), as last amended by S.I. [2000/2900](#).

“local authority” means—

- (a) where there is, within the meaning of the Local Government Changes for England Regulations 1994<sup>(6)</sup>, a unitary authority for that local government area, that authority;
- (b) where there is not a unitary authority—
  - (i) in a metropolitan district, the council of that district;
  - (ii) in a non-metropolitan county, the council of that county;
  - (iii) in each London borough, the council of that borough; or
  - (iv) in the City of London, the Common Council;

“Minister” means the Minister of Agriculture, Fisheries and Food;

“premises” includes any place, installation, vehicle (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, ship, vessel, boat, craft, hovercraft or aircraft.

### **Vaccination against foot-and-mouth disease**

3.—(1) No person shall vaccinate an animal against foot and mouth disease except under the authority of, and in accordance with any conditions specified in, a licence in writing issued by the Secretary of State.

(2) This regulation shall not apply to anything done by a person pursuant to, and in accordance with, a licence issued by the Minister under article 4 of the Specified Animal Pathogens Order 1998<sup>(7)</sup>.

### **Powers of inspectors**

4.—(1) If an inspector has reasonable grounds for suspecting that a contravention of these Regulations is being or has been committed on any premises he shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable times to enter those premises for the purposes of ascertaining whether there is or has been any such contravention.

(2) An inspector shall have powers to carry out all inspections and examinations necessary for the enforcement of these Regulations, and in particular may—

- (a) carry out inspections of and take blood samples from any animals on the premises;
- (b) take with him a representative of the European Commission acting for the purposes of the Directive.

### **Obstruction**

5.—(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance, information or document which that person may reasonably require for the purposes of his functions under these Regulations, or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

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(5) S.I. 1996/3124, as last amended by S.I. 2001/1640.

(6) S.I. 2000/1673.

(7) S.I. 1998/463.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

### **Offences by bodies corporate**

6.—(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 as well as the body corporate shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

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

### **Penalties**

7.—(1) A person contravening any provision of these Regulations shall be guilty of an offence.

(2) A person guilty of an offence under regulation 5(1)(a) or (b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

### **Enforcement**

8. These Regulations shall be enforced by the Secretary of State or the local authority.

*Elliot Morley*  
Parliamentary Under-Secretary of State,  
Department for Environment, Food and Rural  
Affairs

4th July 2001

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(The note is not part of the Regulations)*

These Regulations implement Article 13(1), first indent of Council Directive [85/511/EEC](#) introducing Community measures for the control of foot-and-mouth disease (OJNo. L135, 26.11.85, p. 11) as amended, in particular, by Council Directive [90/423/EEC](#) (OJ No. L224, 18.8.90, p. 13). They prohibit vaccination against foot-and-mouth disease in England except in accordance with the conditions of a licence issued by the Secretary of State (regulation 3). This prohibition does not apply to anything done by a person pursuant to, and in accordance with, a licence issued by the Minister of Agriculture, Fisheries and Food under article 4 of the Specified Animal Pathogens Order 1998 (S.I.1998/463).

The Regulations make provisions for powers of inspectors (regulation 4) and make it an offence to obstruct a person acting under the Regulations (regulation 5). They also make provision for offences by bodies corporate (regulation 6).

Breach of the Regulations is an offence (regulation 7). The penalty for obstruction is a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding three months or both on summary conviction. A person guilty of any other offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

The Regulations are enforced by the Secretary of State or a local authority (regulation 8).

A Regulatory Impact Assessment has not been prepared for these Regulations.