

2001 No. 2735

ANIMALS, ENGLAND AND WALES
ANIMAL HEALTH

The Foot-and-Mouth Disease (Amendment)
(England) (No. 9) Order 2001

Made - - - - - *27th July 2001*

Coming into force on *30th July 2001*

The Minister of Agriculture, Fisheries and Food, acting in exercise of the powers conferred on her by sections 1, 7, 8(1), 17(1) and 23 of the Animal Health Act 1981(a) and of all other powers enabling her in that behalf, hereby makes the following Order:

Title application and commencement

1. This Order may be cited as the Foot-and-Mouth Disease (Amendment) (England) (No. 9) Order 2001; it applies in relation to England and shall come into force on 30th July 2001.

Amendment of the Foot-and-Mouth Disease Order 1983

2.—(1) The Foot-and-Mouth Disease Order 1983(b), in so far as it applies in relation to England, shall be amended in accordance with the provisions of this Article.

(2) In article 3(1) the following definition shall be inserted:

““restricted infected area” means an infected area declared by special order of the Minister (made under article 29C(1) of this Order) to which the provisions of Part IIIA of this Order, or such of those provisions as may be specified in that order apply”.

(3) In article 8(4)(b) the words “or a restricted infected area” shall be inserted after the words “an infected area”.

(4) In article 17(2) the words “subject to article 29C(2)” shall be inserted after the words “an infected area shall”.

(5) The following articles shall be inserted after article 29(B):

“Part IIIA

29C.—(1) Where by Order, the Minister declares an area to be an infected area to which the provisions of this Part of this Order apply, the provisions of this Part save as expressly varied or excepted by any such Order, shall apply to and have effect in that area (in this Part of this Order referred to as a “restricted infected area”).

(2) Any premises which are partly in and partly outside a restricted infected area shall be deemed to be wholly within that area.

(a) 1981 c. 22. See section 86(1) for the definitions of “the Ministers” and “the Minister”. Functions of “the Ministers”, so far as exercisable by the Secretaries of State for Scotland and Wales, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).

(b) S.I. 1983/1950 as amended by S.I. 1993/3119, S.I. 1995/2922, and, as regards England, by S.I.s 2001/571, 2001/680, 2001/974, 2001/1078, 2001/1407, 2001/1862 and 2001/2238.

(3) Subject to paragraph (4) below, any premises falling within the restricted infected area (or deemed to be within that area by virtue of paragraph (2) above) in respect of which a notice in Form A or Form D has already been served under Article 5 or 13 of this Order shall continue to be subject to the requirements and prohibitions applying by virtue of such notices in place of any requirements or prohibitions which would otherwise apply to those premises by virtue of this Part.

(4) Paragraph (3) above shall not operate so as to exclude the requirements and prohibitions of articles 25 and 26 of this Order so far as they would apply by virtue of article 29D(1) below.

29D.—(1) Subject to the following provisions of this article, the provisions of Part III of this Order shall apply to a restricted infected area as if that area had been declared an infected area under article 17 of this Order save that references in that Part to an “infected area” shall be construed for this purpose as references to a “restricted infected area”.

(2) Article 18 shall apply to a restricted infected area as if for paragraphs (1) to (3) thereof there were substituted the following paragraphs—

“(1) No person shall move or cause or permit to be moved any animal from the premises on which the animals are kept except under the authority of a licence issued by the Minister or an inspector and in accordance with the conditions thereof.

(2) No person shall permit any animal to come into contact with any other animal except for one kept on the same premises except under the authority of a licence issued by the Minister or an inspector and in accordance with the conditions thereof.

(3) No person shall move any animal on public or private roads (other than the service roads of premises) except under the authority of a licence issued by an inspector or the Minister and in accordance with the conditions thereof but it shall not be unlawful under this provision for an animal to be moved in transit through the restricted infected area by motorway, trunk road or railway.”

(3) The following additional provisions shall apply to a restricted infected area:

- (a) no person shall drive or move any vehicle or machine into or out of any relevant premises without having first cleaned its exterior, interior and undersides so as to remove all visible traces of mud, slurry, animal faeces, dropping or excretions or other similar matter and without, at the point of entry to and exit from those premises, having cleansed and disinfected the tyres (including the whole circumference of their treads), wheels arches, mudguards and mudflaps of the vehicle;
- (b) no person shall enter or leave any premises on which animals are kept wearing clothing or boots which are visibly contaminated with mud, slurry, animal faeces, droppings or excretions or any other similar matter or without cleansing and disinfecting the outer surfaces of their footwear on entering or leaving those premises;
- (c) any person who tends any animal shall not leave the premises on which the animal is kept wearing the outer clothing and footwear which he wore whilst tending the animal unless that clothing and footwear have been thoroughly cleansed and disinfected after the last occasion on which the animal was tended;
- (d) the owner or occupier of any premises where animals are kept shall maintain a footpath containing an approved disinfectant in some convenient place at every exit from those premises and renew the disinfectant as frequently as is necessary to maintain a clean solution and whenever so directed by an inspector;
- (e) no person shall discharge slurry originating from any animal by means of equipment which produces a jet or spray, except under the authority of a licence granted by an inspector of the Minister and in accordance with such conditions as may be specified therein; and
- (f) no person shall move or cause or permit to be moved onto or from any relevant premises any milk, silage, fodder or other animal feed except under the authority of a licence granted by an inspector of the Minister, and in accordance with such conditions as may be specified therein.

(4) In this Part “relevant premises” means any premises, the predominant use of which is not as a domestic dwelling, on which animals are kept or have been kept at any time within the period of 56 days before the declaration of the restricted infected area.”.

(6) In article 30(2) for the words “article 17(2) above” there shall be substituted the words “articles 17(2) and 29C(2) above”.

(7) In article 32(1)(a) after the words “by the Minister” there shall be inserted the words: “(or, in the case of a knacker’s yard an inspector)”.

(8) In article 37A after paragraph (3) there shall be inserted the following paragraph:

“(4) Any prohibition on access to land or buildings imposed under this Article may be revoked in whole or in part by—

- (a) the removal of all relevant notices in accordance with paragraph (3) above; or
- (b) a declaration of the Minister, published in such manner as he sees fit.”.

Signed on 27th July 2001

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Foot-and-Mouth Disease Order 1983 (the “1983 Order”) (S.I. 1983/1950 as last amended, in relation to England, by S.I. 2001/2238) in relation to England, by inserting a Part IIIA (new articles 29C and D) under which the Ministers may declare an area to be an infected area (a “restricted infected area”) to which the provisions set out in that part will apply.

The provisions which will apply to a restricted infected area are the same as those which apply in the case of an infected area declared under Part III of the 1983 Order but subject to the variations set out in new articles 29C and D and any variations and exceptions provided for in the order declaring that restricted infected area. In particular there are additional cleansing and disinfection requirements (article 29D) in relation to the movement of people onto and off premises where animals are kept and cleansing and disinfection requirements on persons who tend animals. The owner or occupier of premises where animals are kept is also required to maintain disinfectant footbaths at every exit from his premises. Additional cleansing and disinfection requirements apply in relation to vehicles moving onto and off premises which are not predominantly used as domestic dwellings where animals are kept and movements of milk, fodder and other animal feed onto and off such premises can only be made under the authority of a licence issued by an inspector of the Minister and in accordance with its terms.

As well as further minor and consequential amendments, the Order also amends article 32 of the 1983 Order so as to permit an inspector to license movements of carcasses, manure, slurry and litter out of a knacker’s yard in a controlled area declared under Part IV of the 1983 Order. In addition article 37A of the 1983 Order is amended so as to permit the Minister of Agriculture, Fisheries and Food to revoke by declaration a prohibition on access to land or buildings which has been imposed under that article.

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