

## 2001 No. 2994

### ANIMALS, ENGLAND

#### The Foot-and-Mouth Disease (Amendment) (England) (No.11) Order 2001

*Made* - - - - - *31st August 2001*

*Coming into force:*

*Article 2(6)* *4th September 2001*

*All other provisions* - - *1st September 2001*

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

#### **Title, application and commencement**

1.—(1) This Order may be cited as the Foot-and-Mouth Disease (Amendment) (England) (No.11) Order 2001 and applies to England.

(2) Article 2(6) shall come into force on 4th September 2001 and all other provisions shall come into force on 1st September 2001.

#### **Amendment of the Foot-and-Mouth Disease Order 1983**

2.—(1) The Foot-and-Mouth Disease Order 1983( ) (in this Order referred to as the “1983 Order”), in so far as it applies to England, is amended in accordance with the provisions of this article.

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- (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. 1955/2922 and further amended, as regards England, by S.I. 2001/571, S.I. 2001/680, S.I. 2001/974, S.I. 2001/1407, S.I. 2001/1514, S.I. 2001/1862, S.I. 2001/2238, S.I. 2001/2735 and S.I. 2001/2814.

(2) In article 3(1) immediately after the definition of “highway” there shall be inserted the following—

““hunt kennel” means premises registered under article 13 of the Animal By-Products Order 1999(:) where animal by-products are fed to recognised packs of hounds;”

(3) In articles 20(1), 21(1), 32(1) and 33(1) for the words “a slaughterhouse or knacker’s yard” there shall be substituted the words “a slaughterhouse, knacker’s yard or hunt kennel”.

(4) In articles 20(1)(a) and 32(1)(a) after the words “a knacker’s yard” there shall be inserted the words “or hunt kennel”.

(5) In article 29A(2)(a), after the words “not more than three persons” there shall be inserted the words “who are authorised by the occupier or”.

(6) In article 29A(2)(b), for the words “grouse, pheasant or partridge” there shall be substituted the words “any birds”.

(7) For article 29B there shall be substituted the following—

**“Markets, fairs, shows or other gatherings of animals and sales**

29B. No person shall—

- (a) use any premises for a fair, market, show or other gathering of animals or collect or distribute animals for such an event; or
- (b) hold a gathering of people on any premises in connection with the sale of any animal on those premises at which more than two people (other than the owner or person in charge of the animal and his representatives) are present, except under the authority of a licence issued by the Minister.”.

(8) For article 35 there shall be substituted the following—

**“Markets, fairs, shows or other gatherings of animals and sales**

35.—(1) No person shall—

- (a) use any premises for a fair, market, show or other gathering of animals or collect or distribute animals for such an event; or
- (b) hold a gathering of people on any premises in connection with the sale of any animal on those premises at which more than two people (other than the owner or person in charge of the animal and his representatives) are present, except under the authority of a licence issued by the Minister.

(2) Notwithstanding the prohibition in paragraph (1) above, the use of premises as a collecting centre may be permitted by licence issued by an inspector of the local authority, in accordance with the advice of the Chief Veterinary Officer.”.

**Effect of amendments to Part III of the 1983 Order**

3. The reference to the provisions of Part III of the 1983 Order in article 29D(1) shall be construed as a reference to that order as amended by this Order.

**Transitional provisions**

4. Declaratory Orders made under Parts III or IIIA of the 1983 Order before this Order comes into force shall have effect so that the provisions of Parts III or IIIA of the 1983 Order after amendment by this Order apply in the areas declared to be infected areas or restricted infected areas by those Declaratory Orders.

Signed on 31st August 2001.

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

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(a) S.I. 1999/646.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends, as regards England, the Foot-and-Mouth Disease Order 1983 (S.I. 1983/1950, as last amended as regards England by S.I. 2001/2814) as follows.

Articles 20(1), 21(1), 32(1) and 33(1) are amended to remove the requirement in an infected area, restricted infected area or controlled area for the licensing of the movement of carcasses, animal products, manure, slurry or litter out of hunt kennels for disposal under the Animal By-Products Order (S.I. 1999/646), the Specified Risk Material Order 1997 (S.I. 1997/2964, as amended) or the Specified Risk Material Regulations 1997 (S.I. 1997/2965, as amended). Articles 20(1)(a) and 32(1)(a) are also amended to allow the movement of such things out of hunt kennels for other purposes under the authority of a licence issued by an inspector;

Article 29A(2)(a) is amended to allow the inclusion of persons authorised by the occupier of any land in an infected area or restricted infected area in a shooting party on that land;

From 4th September 2001, article 29A(2)(b) is amended to allow the shooting or attempted shooting in an infected area or restricted infected area of any birds under a licence issued by a veterinary inspector;

Articles 29B and 35 are amended to prohibit the holding in an infected area, restricted infected area or controlled area of a gathering of people on any premises in connection with the sale of any animal on those premises at which more than two people (other than the owner or person in charge of the animal and his representatives) are present, except under the authority of a licence issued by the Minister.

A regulatory impact assessment has not been prepared for this Order.

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(No.11) Order 2001**

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