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STATUTORY INSTRUMENTS

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**2006 No. 182**

**The Foot-and-Mouth Disease (England) Order 2006**

**PART 1**

**Introduction**

**Title, application and commencement**

- 1.—(1) This Order may be cited as the Foot-and-Mouth Disease (England) Order 2006.  
(2) It applies only in England and comes into force on 23rd February 2006.

**Interpretation**

- 2.—(1) In this Order—

“the Act” means the Animal Health Act 1981;

[<sup>F1</sup>“alert exercise” means a simulation of an emergency situation designed to test contingency plans;]

“animal gathering” means an event at which animals are brought together, including a market, show or fair, but not any occasion at which animals are brought together on the premises on which they are kept;

“animal product” means anything originating or made (whether in whole or in part) from an animal or from a carcase;

“associated protection zone” means, in relation to a surveillance zone, the protection zone centred on the same premises as that surveillance zone;

“border inspection post” means, except in article 32, a place specified as a border inspection post in Schedule 2 to the Animals and Animal Products (Import and Export) (England) Regulations 2005(1);

“bovine animal” includes buffalo and bison;

“Chief Veterinary Officer” means the Chief Veterinary Officer of the Department;

“collecting centre” means premises used for the intermediate reception of animals intended to be moved elsewhere;

“contact premises” means any premises declared to be contact premises under article 14(2);

“contaminated” means directly or indirectly exposed to disease and “contamination” shall be construed accordingly;

“the Department” means the Department for Environment, Food and Rural Affairs;

“the Directive” means Council Directive [2003/85/EC](#) on Community measures for the control of foot-and-mouth disease repealing Directive [85/511/EEC](#) and Decisions [89/531/EEC](#) and

91/665/EEC and amending Directive 92/46/EEC<sup>(2)</sup><sup>F2</sup>, as last amended by [Commission Implementing Decision \(EU\) 2018/1099](#)];

“disease” means foot-and-mouth disease;

<sup>F3</sup> ...

“free unit” means a separate production unit declared to be a free unit under sub-paragraph 2A(6) of Schedule 3 to the Act or under article 13;

“fresh meat” means meat (including offal) that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum wrapped or wrapped in a controlled atmosphere;

“health marked” means bearing the health mark [<sup>F4</sup>as defined in Article 3(51) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products];

“identification marked” means bearing the identification mark required by article 5(1) of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>(3)</sup> and “identification mark” shall be construed accordingly;

“incubation period” means—

- (a) for cattle, pigs and other bovine animals and swine, 14 days; and
- (b) for other susceptible animals, 21 days;

“infected” means affected with disease and “infection” shall be construed accordingly;

“infected premises” means any premises declared to be infected premises under article 12(12);

“infection date” means, in respect of any premises, the date confirmed by the Chief Veterinary Officer under article 12(10) as the earliest date disease was present there;

“keeper” means any person responsible for animals, whether on a permanent or temporary basis, but does not include a person who is responsible for animals solely because he is transporting them;

“meat preparation” means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat;

“meat product” means a processed product resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

“mechanically separated meat” means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure;

“milk” includes cream, separated milk, skimmed milk and buttermilk;

“milk product” includes butter, cheese, yoghurt, whey and any other product the main constituent of which is milk;

“minced meat” means boned meat that has been minced into fragments and contains less than 1% salt;

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(2) OJ No. L306, 22.11.2003, p1.

(3) OJ No. L139, 30.4.2004, p55. The revised text of the Regulation is contained in a corrigendum (OJ No. L226, 25.6.2004, p22).

[<sup>F5</sup>“national accreditation standard” means a standard recognised by the National Accreditation Body for the United Kingdom (UKAS);

[<sup>F6</sup> ...

“national reference laboratory” means a laboratory responsible for coordinating standards and methods of diagnosis in the United Kingdom in accordance with the OIE manual;]

“occupier” means, in relation to any premises, the person in charge of those premises;

[<sup>F7</sup>“OIE manual” means Manual of Diagnostic Tests and Vaccines for Terrestrial Animals(2);]

“overstamped” means, in relation to a health marked or identification marked item, bearing an additional diagonal cross consisting of two straight lines intersecting at the centre of the health mark or identification mark and allowing the information there to remain legible (whether or not that additional cross is applied by the same stamp as the mark);

“premises” includes any land, building or other place;

“protection zone” means a protection zone declared under article 31(1), 31(3), 32(1) or 32(2);

“public highway” means a highway maintainable at the public expense;

“raw milk” means milk that has not been heated to more than 40°C or undergone any treatment that has an equivalent effect;

[<sup>F8</sup>“Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation) [<sup>F9</sup>, as last amended by Council Regulation (EU) 1385/2013];

“Regulation (EU) No. 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive [<sup>F10</sup>, as last amended by Commission Regulation (EU) 2017/1262];

“restricted zone” means a restricted zone declared under article 38(1) or 38(2);

“sell” means sell to the final consumer or user and “sale” in the expression “consign for sale” shall be construed accordingly;

“slaughterhouse” means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which—

- (a) is approved or conditionally approved [<sup>F11</sup>in accordance with Regulation EU 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products], or
- (b) although lacking the approval or conditional approval that it requires under article 4(3) of Regulation (EC) No. 853/2004 was, on 31st December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995(4) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(5);

“supplementary movement control zone” means a supplementary movement control zone declared under article 19(1);

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(2) OJ No. L306, 22.11.2003, p1.

(4) S.I. 1995/539, revoked in England by S.I. 2005/2059, in Scotland by S.S.I. 2005/505 and in Wales by S.I. 2005/3292.

(5) S.I. 1995/540, revoked in England by S.I. 2005/2059, in Scotland by S.S.I. 2005/505 and in Wales by S.I. 2005/3292.

“surveillance zone” means a surveillance zone declared under article 31(1), 31(3), 32(1) or 32(2);

“susceptible animal” means a cow, bull, sheep, goat, deer, camel, llama, alpaca, guanaco, vicuna, any other ruminant, any swine (that is, a member of the suborder *Suina* of the order *Artiodactyla*), elephant or rodent (other than a pet rodent);

“suspected of being infected” means exhibiting clinical symptoms or showing post-mortem lesions or reactions to laboratory tests such that the presence of disease may reasonably be suspected;

“suspect premises” means any premises declared to be suspect premises under article 12(7) or 14(1);

“temporary control zone” means a temporary control zone declared under article 16(1);

“used litter” means any substance which has been used for the bedding of animals;

“vaccination surveillance zone” means a vaccination surveillance zone declared under regulation 12(1), 13(2) or 13(3) of the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006(6);

“vaccination zone” means a vaccination zone declared under regulation 12(1) of the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006;

“vehicle” includes—

- (a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle,
- (b) a detachable part of a vehicle,
- (c) a container or other structure designed or adapted to be carried by or on a vehicle;

“wild animal infected zone” means a wild animal infected zone declared under article 40(1).

F12 ...

F12 ...

(2) References in this Order to “emergency slaughter” mean slaughter of animals which are not suspected of infection or contamination and are not on infected premises, where an inspector considers that the circumstances require urgent slaughter (including slaughter for welfare reasons).

(3) References in this Order to “susceptible animals originating in”, in respect of a protection zone or surveillance zone or “susceptible animals originating on”, in respect of infected premises mean—

- (a) susceptible animals kept in the protection zone or surveillance zone (after the declaration of the zone) or on the infected premises, as the case may be; and
- (b) susceptible animals which were kept within the boundaries of the protection zone or surveillance zone or on the infected premises at any time during the period—
  - (i) beginning 21 days before the following date—
    - (aa) in the case of a protection zone, the earliest infection date on premises there,
    - (bb) in the case of a surveillance zone, the earliest infection date on premises in the associated protection zone,
    - (cc) in the case of infected premises, the infection date; and
  - (ii) ending with the declaration of the protection zone, surveillance zone or infected premises, as the case may be.

(4) References in this Order to “susceptible animals originating in”, in respect of a vaccination zone or temporary control zone or “susceptible animals originating on”, in respect of suspect premises or contact premises mean—

- (a) susceptible animals kept in the vaccination zone or temporary control zone (after the declaration of the zone) or on the suspect premises or contact premises, as the case may be; and
- (b) susceptible animals which were kept within the boundaries of the vaccination zone or temporary control zone or on the suspect premises or contact premises at any time during the period—
  - (i) beginning 21 days before the declaration of the vaccination zone or temporary control zone or suspect premises or contact premises, as the case may be, and
  - (ii) ending with that declaration.

#### **Textual Amendments**

- F1** Words in art. 2 inserted (21.12.2021) by [The Exotic Animal Disease \(Amendment\) \(England\) Order 2021 \(S.I. 2021/1472\)](#), arts. 1(1), **2(2)(a)**
- F2** Words in art. 2 inserted (29.3.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments etc.\) Regulations 2019 \(S.I. 2019/526\)](#), regs. 1(2), **11(a)**
- F3** Words in art. 2(1) revoked (1.11.2009) by [Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, 2(2), **Sch. 2**
- F4** Words in art. 2(1) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) Regulations 2019 \(S.I. 2019/1488\)](#), regs. 1(1), **18(2)(a)**
- F5** Words in art. 2 inserted (21.12.2021) by [The Exotic Animal Disease \(Amendment\) \(England\) Order 2021 \(S.I. 2021/1472\)](#), arts. 1(1), **2(2)(b)**
- F6** Words in art. 2(1) omitted (20.12.2023) by virtue of [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **3(2)**
- F7** Words in art. 2 inserted (21.12.2021) by [The Exotic Animal Disease \(Amendment\) \(England\) Order 2021 \(S.I. 2021/1472\)](#), arts. 1(1), **2(2)(c)**
- F8** Words in art. 2(1) inserted (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), reg. 1, **Sch. 2 para. 8(2)**; and words in art. 2(1) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2013 \(S.I. 2013/2952\)](#), reg. 1(2), Sch. 2 para. 2(2) (SI 2011/881, Sch 2 para 8(2) revoked (12.12.2013) by SI 2013/2952, reg. 28(d))
- F9** Words in art. 2 inserted (29.3.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments etc.\) Regulations 2019 \(S.I. 2019/526\)](#), regs. 1(2), **11(b)**
- F10** Words in art. 2 inserted (29.3.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments etc.\) Regulations 2019 \(S.I. 2019/526\)](#), regs. 1(2), **11(c)**
- F11** Words in art. 2(1) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) Regulations 2019 \(S.I. 2019/1488\)](#), regs. 1(1), **18(2)(b)**
- F12** Words in art. 2(1) omitted (27.10.2022) by virtue of [The Exotic Animal Disease \(Amendment\) \(England\) Order 2022 \(S.I. 2022/1108\)](#), arts. 1(1), **3(2)**

#### **Extension of definitions of “animals” and “poultry”**

3. For the purposes of the Act in its application to disease and to this Order—
- (a) the definition of “animals” in section 87(1) of the Act is extended to comprise all four-footed beasts;
  - (b) the definition of “poultry” in section 87(4) of the Act is extended to comprise all birds.

#### **Premises comprising common or unenclosed land**

4. For the purposes of this Order—
- (a) common or unenclosed land forms separate premises from other land unless—
    - (i) the parcels of land adjoin, and
    - (ii) all animals kept on each parcel of land are in the charge of the same keeper;
  - (b) a notice which is to be served on the occupier of premises wholly or partially comprising any common or unenclosed land is validly served if served on every keeper of animals kept there (so far as those persons are reasonably ascertainable);
  - (c) a requirement or restriction imposed on the occupier of premises wholly or partially comprising any common or unenclosed land applies to every keeper of animals kept there.

#### **Licences and declarations**

- 5.—(1) Licences granted under this Order—
- (a) shall be in writing;
  - (b) may, in addition to any conditions required by this Order, be made subject to such conditions as the Secretary of State considers necessary to prevent the spread of disease; and
  - (c) may be amended, suspended or revoked in writing at any time.
- (2) Except where otherwise directed by the Secretary of State, a licence granted in Scotland or Wales for the same purpose as a licence which may be granted under this Order is valid for that purpose in England and its conditions apply in England as if it was a licence granted under this Order.
- (3) Declarations made under this Order shall be in writing.
- (4) Any amendment to or revocation of a declaration shall be made by further declaration.

#### **Notices**

- 6.—(1) Notices issued under this Order may be amended or revoked in writing at any time.
- (2) A notice which—
- (a) is served on the occupier of premises; and
  - (b) imposes a requirement or restriction in respect of those premises,
- shall contain a description of the premises sufficient to enable the extent of the premises to be ascertained.
- (3) Such a description may be amended by a veterinary inspector if he is satisfied that it does not describe an appropriate area for the purposes of investigating and monitoring the spread of disease in respect of animals which are usually kept together.

#### **Dissemination of information concerning restrictions and requirements**

- 7.—(1) The Secretary of State shall take such steps as she considers fit to ensure that licences, declarations and notices are brought to the attention of those who may be affected by them as soon as is reasonably practicable.
- (2) She shall also ensure that—
- (a) the extent of any zone declared under this Order;
  - (b) the nature of the restrictions and requirements applicable within the zone;
  - (c) the date of its declaration; and

(d) the date that declaration ceases to have effect in respect of the zone or any part of it, are publicised.

### Disinfection

8. Disinfection under this Order shall be carried out with a disinfectant which is—
- (a) approved for use for the purpose of this Order and the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations by [<sup>F13</sup>the Diseases of Animals (Approved Disinfectants) (England) Order 2007];
  - (b) used at the concentration specified in that Order; and
  - (c) used in accordance with the manufacturer's instructions or recommendations (if any) and in particular, if use is recommended before any date, used before that date.

#### Textual Amendments

**F13** Words in art. 8(a) substituted (1.6.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), art. 1(2), **reg. 33(2)**

## PART 2

### Notification, suspicion and investigation of disease

#### Notification of disease or suspected disease

9.—(1) Subject to paragraph (6), a person who has in his possession or charge an animal or carcase which is infected or suspected of being infected shall immediately notify the [<sup>F14</sup>Secretary of State].

(2) Subject to paragraph (6), a person who in the course of his occupation discovers that an animal or carcase not in his possession or charge is infected or suspected of being infected shall immediately notify the [<sup>F14</sup>Secretary of State].

(3) If the occupier of any premises notifies the [<sup>F14</sup>Secretary of State] under this article of an animal or carcase at those premises Schedule 1 shall then apply in respect of those premises.

(4) Any constable who receives notification of disease under section 15(1) of the Act shall immediately inform the [<sup>F14</sup>Secretary of State].

[<sup>F15</sup>(5) Where notification is received under this article from a person other than the occupier of the premises where the relevant animal or carcase is located, a veterinary inspector may serve a notice on the occupier informing the occupier that—

- (a) notification has been received under this article; and
- (b) Schedule 1 applies in relation to the premises.]

(6) Paragraphs (1) and (2) do not apply to a person in possession of or carrying the disease pathogen in accordance with the terms of a licence granted under the Specified Animal Pathogens Order 1998(7).



#### Textual Amendments

- F14** Words in art. 9(1)-(4) substituted (1.11.2009) by [Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, 2(1), **Sch. 1**
- F15** Art. 9(5) substituted (1.11.2009) by [Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, **7(2)**

#### Notice of suspicion of disease

**10.**—(1) If an inspector knows or suspects that disease exists or has in the previous 56 days been present on any premises, he shall immediately serve a notice on the occupier stating that fact and Schedule 1 shall then apply in respect of those premises.

(2) If an inspector knows or suspects that an animal suspected of being contaminated is on any premises, he shall immediately serve a notice on the occupier stating that fact and Schedule 1 shall then apply in respect of those premises.

#### Suspicion of disease in animals in transit

**11.**—(1) If an inspector knows or suspects that an animal in transit is infected or contaminated he shall immediately serve a notice on the keeper of the animal (if present) and on the person in charge of the vehicle—

- (a) stating that fact;
- (b) directing the transport of the animal and any animal with it to such premises as he considers fit; and
- (c) detaining any vehicle, equipment or other thing suspected of contamination at a suitable place until it has been cleansed and disinfected.

(2) The inspector shall ensure that the occupier of premises to which animals are directed is served with a notice on their arrival stating that those premises are under restriction and Schedule 1 shall then apply in respect of those premises.

(3) The person in charge of any vehicle detained under paragraph (1)(c) shall cleanse and disinfect it without delay in accordance with Schedule 2 to the Transport of Animals (Cleansing and Disinfection) (England) (No. 3) Order 2003<sup>(8)</sup> and with any additional requirements an inspector imposes by serving a notice on him.

(4) The person in charge of any equipment or other thing detained under paragraph (1)(c) shall cleanse and disinfect it in accordance with the directions of an inspector.

#### Veterinary inquiry into the existence of disease and declaration of suspect premises and infected premises

**12.**—(1) The Chief Veterinary Officer shall ensure that the presence or suspicion of infection or contamination is investigated in accordance with this article by a veterinary inspector as soon as is reasonably practicable.

(2) The Chief Veterinary Officer shall ensure that the presence or absence of disease on every premises in a temporary control zone where susceptible animals are kept or have in the 56 days before the declaration of that zone been kept is investigated in accordance with this article by a veterinary inspector as soon as is reasonably practicable.

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<sup>(8)</sup> S.I. 2003/1724.



(3) The veterinary inspector investigating shall take all steps he considers necessary to determine whether disease exists or has in the 56 days before the commencement of the investigation existed on the premises, and the related circumstances.

(4) Subject to paragraph (5), in taking such steps he shall ensure that any samples necessary for that determination are taken.

(5) Sampling shall not be considered necessary on premises which the Chief Veterinary Officer considers to be epidemiologically linked with a primary source of disease for which samples have already been taken.

(6) The veterinary inspector investigating may mark any animal, carcass or other thing liable to spread disease found on the premises.

(7) If the veterinary inspector investigating considers it necessary to submit a serological sample for testing to determine whether disease exists or has in the 56 days before the investigation existed on the premises, he shall declare the premises to be suspect premises.

(8) The veterinary inspector investigating shall communicate to the Chief Veterinary Officer his opinion as to whether disease exists or has in the 56 days before the investigation existed on any premises under inquiry.

(9) If his opinion is that disease exists or has in the 56 days before the investigation existed on any premises the officer investigating shall also communicate to the Chief Veterinary Officer his opinions on at least the following—

- (a) the earliest date disease was present there;
- (b) the origin of disease;
- (c) any premises which may have been contaminated from the same origin;
- (d) the extent to which animals other than bovine animals or swine may have been infected or contaminated;
- (e) any premises to or from which disease may have been carried;
- (f) any other premises which he suspects to be contaminated;
- (g) whether any premises under inquiry comprise two or more separate production units because they comply with the criteria in paragraph 2A(7) of Schedule 3 to the Act,

and in sub-paragraphs (c), (e) and (f), “premises” includes premises outside England.

(10) The Chief Veterinary Officer shall consider and may confirm every opinion communicated to her under this article.

(11) If the Chief Veterinary Officer concludes after consideration of any opinion communicated to her under this article that one or more of the criteria in Schedule 2 are satisfied in respect of any premises she shall confirm disease there.

(12) If the Chief Veterinary Officer confirms disease at any premises the Secretary of State shall declare those premises to be infected premises.

(13) A declaration under paragraph (7) or (12) shall be by notice served on the occupier.

(14) Any infected premises is an infected place for the purposes of the Act.

### **Separate production units**

**13.**—(1) The Secretary of State may by notice served on the occupier of any premises investigated under article 12 (other than infected premises) declare that they are to be regarded as two or more separate production units if the Chief Veterinary Officer advises at the time of the veterinary inquiry that in her opinion—

- (a) the premises comply with the criteria in paragraphs (a)-(c) of paragraph 2A(7) of Schedule 3 to the Act; and
- (b) each of those paragraphs has applied continuously for at least—
  - (i) 28 days immediately prior to the date of the inquiry, if only bovine animals or swine have been on the premises within that period, or
  - (ii) 42 days immediately prior to that date in any other case.
- (2) A declaration under paragraph (1) shall identify, and designate the boundaries of, each separate unit and shall declare every separate unit which is free of disease to be a free unit.
- (3) A unit shall cease to be a free unit on—
  - (a) amendment of the notice declaring it such that it is no longer declared to be a free unit; or
  - (b) revocation of that notice.

### **Tracing of possible disease spread**

- 14.**—(1) The Secretary of State shall declare premises (other than infected premises) to be suspect premises if the Chief Veterinary Officer advises that she suspects them of contamination from premises already declared to be suspect premises or from a suspected case of disease outside England.
- (2) The Secretary of State shall declare premises (other than infected premises or suspect premises) to be contact premises if the Chief Veterinary Officer advises either—
- (a) that disease may have been carried there from any premises, or
  - (b) that disease may have been carried to any premises from there,
- and in sub-paragraphs (a) and (b) “premises” includes premises outside England.
- (3) Declarations under this article shall be by notice served on the occupier.
- (4) The Secretary of State shall ensure that any premises declared to be suspect premises or contact premises under this article are subjected to investigation in accordance with article 12 as soon as is reasonably practicable.
- (5) Where, following a declaration under article 13(1), premises are to be regarded as consisting of separate production units the Secretary of State shall amend any declaration under paragraph (2) to specify to or from which units disease may have been carried and only those units specified shall form the contact premises.
- (6) Schedule 1 applies in respect of suspect premises or contact premises declared under this article.

### **Maintenance of measures in respect of premises**

- 15.**—(1) If premises are declared to be infected premises, they shall no longer be suspect premises or contact premises.
- (2) Schedule 1 shall continue to apply to premises if they are declared to be infected premises.
- (3) The Secretary of State shall not revoke any notice declaring premises to be suspect premises until she is advised by the Chief Veterinary Officer that she no longer suspects infection or contamination there.
- (4) The Secretary of State shall not revoke any notice declaring premises to be contact premises until she is advised by the Chief Veterinary Officer that she no longer suspects that disease may have been carried there or from there.

(5) The Secretary of State shall not revoke any notice declaring premises to be infected premises until completion of the final cleansing and disinfection measures in paragraphs 15 to 17 of Schedule 3.

### Declaration of a temporary control zone

**16.**—(1) On the declaration of any suspect premises the Secretary of State [<sup>F16</sup>may] also declare an area around those premises of such size as she considers fit to prevent the spread of disease to be a temporary control zone.

(2) If the Secretary of State is satisfied that an animal or carcass in Scotland or Wales is suspected of being infected or contaminated, she may declare a temporary control zone of such size as she considers fit to prevent the spread of disease.

(3) An area shall remain a temporary control zone (or part of one) until—

- (a) it becomes part of a protection zone or a surveillance zone; or
- (b) the Secretary of State is advised by the Chief Veterinary Officer that she no longer suspects infection there.

(4) If the Secretary of State is advised as mentioned in paragraph (3)(b)—

- (a) she shall revoke the declaration creating the temporary control zone in question if the area comprises the whole of that zone; or
- (b) if the area does not comprise the whole of that zone, she shall amend the declaration so as to exclude that area.

(5) Any amendment or revocation of a declaration creating a temporary control zone shall refer to that declaration and state the date and time it is to take effect.

(6) Any premises which are partly inside and partly outside a temporary control zone shall be deemed to be wholly inside it.

#### Textual Amendments

**F16** Word in [art. 16\(1\)](#) substituted (21.4.2021) by [The Specified Diseases \(Notification and Control\) \(Amendment, etc.\) \(England\) Order 2021 \(S.I. 2021/443\)](#), arts. 1(1), [6](#)

### Measures applicable in respect of a temporary control zone

**17.**—(1) No person shall move any susceptible animal into or out of a temporary control zone, except where the movement is—

- (a) through the zone without stopping; or
- (b) necessary to complete a journey started before the creation of the zone.

(2) Subject to paragraph (3), no person shall move any susceptible animal from or to premises in a temporary control zone (without leaving that zone) except to complete a journey started before the creation of that zone or under the authority of a licence granted by an inspector.

(3) The Secretary of State may, after considering the factors in paragraph (4), declare that instead of the restriction in paragraph (2) all the following measures apply in a temporary control zone—

- (a) the occupier of any premises in the zone where susceptible animals are kept shall create and maintain a record in accordance with paragraph 1 of Schedule 1;
- (b) the occupier of any premises in the zone where susceptible animals are kept shall isolate animals in accordance with paragraph 3(1) of that Schedule;

- (c) paragraphs 4 to 7 and 10 and 11 of that Schedule apply to premises in the zone where susceptible animals are kept.
- (4) When considering a declaration under paragraph (3), the Secretary of State shall take into account the following factors in respect of the temporary control zone—
  - (a) the density of the population of susceptible animals;
  - (b) the intensity of movements of animals or persons having contact with susceptible animals;
  - (c) any suspected delay in detecting suspicion of infection or contamination;
  - (d) the information available to her as to the possible origin and method of introduction of the disease virus; and
  - (e) any other factor she considers relevant in deciding whether such a declaration will help prevent the spread of disease and is reasonable in the circumstances.
- (5) The measures in paragraphs (2) and (3) apply—
  - (a) subject to article 20(2)(b); and
  - (b) in addition to any requirement or restriction which applies in any part of a temporary control zone because that part falls within—
    - (i) a vaccination zone or vaccination surveillance zone, or
    - (ii) a wild animal infected zone.

**Supplementary measures in respect of a temporary control zone: straying of susceptible animals**

- 18.**—(1) The keeper of a susceptible animal in a temporary control zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.
- (2) An inspector may detain any stray or feral susceptible animal found in a temporary control zone.

**Declaration of supplementary movement control zone**

- 19.**—(1) When a temporary control zone has been declared, the Secretary of State may also declare a supplementary movement control zone which—
- (a) shall be of such size as she considers fit to prevent the spread of disease; and
  - (b) shall include that temporary control zone.
- (2) An area shall remain a supplementary movement control zone (or part of one) until—
- (a) it becomes part of a protection zone or a surveillance zone;
  - (b) the temporary control zone included within it ceases to have effect;
  - (c) the Secretary of State amends the declaration of the supplementary movement control zone so as to exclude that area; or
  - (d) the Secretary of State revokes the declaration of the supplementary movement control zone.
- (3) Any amendment or revocation of a declaration creating a supplementary movement control zone shall refer to that declaration and state the date and time it is to take effect.
- (4) Any premises which are partly inside and partly outside a supplementary movement control zone shall be deemed to be wholly inside it.
- (5) A supplementary movement control zone applies in respect of—
- (a) susceptible animals; and

- (b) any class of non-susceptible animal specified in the declaration in question during a period also specified in that declaration which period shall not exceed 72 hours from the time the declaration was made.

### Measures applicable in respect of a supplementary movement control zone

**20.**—(1) No person shall move any animal in respect of which a supplementary movement control zone applies from or to any premises in such a zone or into or out of such a zone except where the movement is—

- (a) through the zone without stopping;
- (b) necessary to complete a journey started before the creation of the zone; or
- (c) the movement of a horse for veterinary treatment under the authority of a licence granted by an inspector.

(2) Paragraph (1) applies—

- (a) without prejudice to article 17(1);
- (b) in a temporary control zone in place of article 17(2) or, where a declaration under article 17(3) has been made, paragraph 4 of Schedule 1; and
- (c) in addition to any requirement or restriction which applies in any part of a supplementary movement control zone because that part falls within—
  - (i) a vaccination zone or vaccination surveillance zone, or
  - (ii) a wild animal infected zone.

(3) Any inspector granting a licence under paragraph (1)(c) shall take account of the recommended measures in paragraph 2.1 of Annex VI to the Directive.

### [<sup>F17</sup>Diagnostic tests

**20A.**—(1) The national reference laboratory must use the diagnostic tests in the OIE manual which constitute the reference tests for vesicular disease diagnosis.

(2) The use of a test not included in the OIE manual is permitted only when the performance of the test in question demonstrates that it matches or exceeds the sensitivity and specificity parameters set down in—

- (a) the OIE manual; or
- (b) national accreditation standards.]

#### Textual Amendments

**F17** Art. 20A inserted (21.12.2021) by The Exotic Animal Disease (Amendment) (England) Order 2021 (S.I. 2021/1472), arts. 1(1), 2(3)

## PART 3

### Measures following confirmation of disease

#### Tracing of products originating on infected premises

**21.**—(1) The Secretary of State shall trace all milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, ova and embryos derived or collected from susceptible animals originating on infected premises.

(2) After tracing any semen, ovum or embryo, the Secretary of State shall, by notice served on the owner, or if that person is not readily ascertainable, the person in charge of it, direct that person to arrange for its disposal.

(3) After tracing any other item referred to in paragraph (1), the Secretary of State shall, by notice served on its owner, or if the owner is not readily ascertainable the person in charge of it, direct the owner or that person to either—

- (a) arrange for such treatment as the Secretary of State considers necessary to ensure the destruction of the disease virus; or
- (b) arrange for its disposal.

#### Notice of intention to slaughter animals

**22.**—(1) Subject to paragraph (2), before causing the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act, the Secretary of State shall serve notice of her intention to cause such slaughter—

- (a) on the occupier of the premises where the animals are kept; or
- (b) where the animals are in transit, on the person in charge of them.

(2) Paragraph (1) does not apply where the Secretary of State intends to cause the slaughter of a stray or feral animal detained by an inspector under article 18(2) or under paragraph 2(2) of Schedule 5 or paragraph 5(2) of Schedule 7.

#### Sampling and clinical examination of susceptible animals before slaughter

**23.** Where the Secretary of State serves notice of her intention to cause the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act, she shall ensure that any sampling and clinical examination she considers necessary to carry out the veterinary inquiry under article 12 is undertaken before, or immediately following, such slaughter.

#### Place of slaughter

**24.**—(1) This article applies where the Secretary of State serves notice of her intention to cause the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act.

(2) Subject to paragraph (3), where the animals to be slaughtered are on premises slaughter shall take place there without delay.

(3) Paragraph (2) shall not apply where—

- (a) in the opinion of the Secretary of State slaughter on those premises would be an unsatisfactory method of preventing the spread of disease; or
- (b) the premises are a slaughterhouse or border inspection post.

(4) In the cases referred to in paragraph (3), the Secretary of State may direct that slaughter be carried out at another place she considers satisfactory for the purpose of preventing the spread of disease.

(5) Where the animals to be slaughtered are in transit, they shall be transported to another place at the direction of the Secretary of State as soon as is reasonably practicable.

(6) In directing transport to another place under this article the Secretary of State shall grant a licence under paragraphs 4(6), 7(d) and 10(b) of Schedule 1 authorising movement of the animals, persons and vehicles necessary for that action.

### **Slaughter: control of carcasses**

**25.—**(1) This article applies to every carcase of a susceptible animal on premises where the Secretary of State has caused the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act.

(2) No person shall move any carcase to which this article applies from the premises except for disposal and under the authority of a licence granted by the Secretary of State.

(3) The Secretary of State shall ensure that every carcase to which this article applies is disposed of without undue delay, and in so ensuring—

- (a) she may serve a notice on the occupier requiring immediate disposal or disposal within a specified period; and
- (b) she shall grant any necessary licence under paragraph (2).

### **Slaughter: control of faecal material**

**26.—**(1) This article applies to premises where the Secretary of State has caused the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act.

(2) No person shall move any dung, manure, slurry or used litter of susceptible animals from premises to which this article applies except—

- (a) for disposal and under the authority of a licence granted by the Secretary of State; or
- (b) where such material is from a slaughterhouse or border inspection post, for treatment in accordance with <sup>F18</sup>Articles 15 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011] and under the authority of a licence granted by the Secretary of State.

#### **Textual Amendments**

**F18** Words in art. 26(2)(b) substituted (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), reg. 1, [Sch. 2 para. 8\(3\)](#); and words in art. 26(2)(b) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2013 \(S.I. 2013/2952\)](#), reg. 1(2), [Sch. 2 para. 2\(3\) \(SI 2011/881, Sch 2 para 8\(2\) revoked \(12.12.2013\) by SI 2013/2952, reg. 28\(d\)\)](#)

### **Slaughter: isolation of things liable to spread disease**

**27.—**(1) This article applies to the occupier of—

- (a) any premises, other than a slaughterhouse or border inspection post, where the Secretary of State has caused the slaughter of animals under paragraph 2A, 3(1)(a) or 3(1)(b) of Schedule 3 to the Act;



- (b) any premises, other than a slaughterhouse or border inspection post, where the Secretary of State has caused the slaughter of animals under paragraph 3(1)(c) of Schedule 3 to the Act, in a case where she directs that this article applies; and
  - (c) any slaughterhouse or border inspection post where the Secretary of State has caused the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act, in a case where she directs that this article applies.
- (2) Subject to paragraph (3) a person to whom this article applies shall isolate all milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, animal feed and used litter on the premises from any animal until—
- (a) the Secretary of State declares by notice served on that person that all such items are free of contamination; or
  - (b) all such items have been treated in accordance with her directions; or
  - (c) the Secretary of State grants a licence authorising any such item to be removed from the premises to be treated in accordance with [<sup>F19</sup>Regulation (EC) No. 1069/2009] .
- (3) Paragraph (2) does not apply to milk on free units where this is authorised by a licence granted by the Secretary of State
- (4) A licence granted under paragraph (3) shall contain terms requiring that—
- (a) where it is for human consumption, the milk is subjected to one of the treatments in paragraph 13 of Schedule 6; or
  - (b) where it is not for human consumption, the milk is subjected to one of the treatments in paragraph 14 of Schedule 6.

#### Textual Amendments

- F19** Words in art. 27(2)(c) substituted (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), reg. 1, **Sch. 2 para. 8(4)**; and words in art. 27(2)(c) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2013 \(S.I. 2013/2952\)](#), reg. 1(2), **Sch. 2 para. 2(4)** (SI 2011/881, Sch 2 para 8(2) revoked (12.12.2013) by SI 2013/2952, reg. 28(d))

#### **Slaughter: cleansing and disinfection of premises other than slaughterhouses and border inspection posts**

**28.**—(1) This article applies to any premises, other than a slaughterhouse or border inspection post, where the Secretary of State has caused the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act and to any vehicle used to carry susceptible animals on those premises, after—

- (a) the disposal of all carcasses from those premises in accordance with article 25; and
- (b) if article 27(2) applies, isolation of the items referred to that article.

(2) The Secretary of State shall ensure that every building, other part of the premises, vehicle used to carry susceptible animals and any other thing or place on the premises normally used by animals which may be contaminated is cleansed and disinfected in accordance with Schedule 3.

(3) The Secretary of State shall ensure that any part of the premises normally used by humans to the exclusion of animals (including a dwelling) she suspects to be contaminated is cleansed and disinfected in accordance with Schedule 3.

### **Slaughter: cleansing and disinfection of slaughterhouses and border inspection posts**

**29.**—(1) This article applies to a slaughterhouse or border inspection post where the Secretary of State has caused the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act, and to any vehicle used to carry susceptible animals on those premises, after—

- (a) the disposal of all carcasses in accordance with article 25; and
- (b) if the Secretary of State grants a licence under article 26(2), removal for disposal or treatment of the items referred to in that paragraph.

(2) The Secretary of State shall ensure that every building and place, equipment, vehicle and other thing which may be contaminated on premises to which this article applies are cleansed and disinfected in accordance with Schedule 3.

(3) No person shall move any animal on to the premises until at least 24 hours after completion of the final cleansing and disinfection measures in paragraphs 15 to 17 of Schedule 3.

### **Restocking of premises following slaughter**

**30.**—(1) This article applies to any premises where the Secretary of State has caused the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act.

(2) No person shall restock premises to which this article applies except under the authority of a licence granted by the Secretary of State and in accordance with Schedule 4.

(3) No licence shall be granted allowing restocking to commence—

- (a) on premises to which paragraph 22 of Schedule 3 applies until one year has elapsed following completion of such cleansing and disinfection as is undertaken, or
- (b) on premises to which that paragraph does not apply, until 21 days after completion of the final cleansing and disinfection measures in paragraphs 15 to 17 of Schedule 3 on the premises.

### **Declaration of protection zones and surveillance zones on confirmation of disease in England**

**31.**—(1) The Secretary of State shall declare an area to be a protection zone and an area to be a surveillance zone in the circumstances mentioned in paragraph (2).

(2) The circumstances referred to in paragraph (1) are when the Chief Veterinary Officer confirms disease on premises in England, other than—

- (a) at a slaughterhouse or border inspection post; or
- (b) on premises to which infected or contaminated animals have been transported following a direction under article 11(1)(b).

(3) The Secretary of State may declare an area to be a protection zone in the circumstances mentioned in paragraph (4) and if she decides to do so, she shall also declare an area to be a surveillance zone.

(4) The circumstances referred to in paragraph (4) are when the Chief Veterinary Officer confirms disease—

- (a) at a slaughterhouse or border inspection post in England; or
- (b) on premises in England to which infected or contaminated animals have been transported following a direction under article 11(1)(b).

(5) Subject to paragraph (6), a protection zone or surveillance zone declared under this article shall be of such size as the Secretary of State considers fit to prevent the spread of disease.

(6) A declaration under this article shall designate—

- (a) the extent of the protection zone which shall be centred on the infected premises and of at least three kilometres radius; and
- (b) the extent of the surveillance zone which shall be centred on the same premises and of at least ten kilometres radius.

### **Declaration of protection zones and surveillance zones on confirmation of disease in Scotland or Wales**

**32.**—(1) If the Secretary of State is satisfied that disease is present on premises (other than a slaughterhouse or border inspection post) in Scotland or Wales—

- (a) she shall declare an area to be a protection zone if those premises are situated within three kilometres of the border with England; and
- (b) she shall declare an area to be a surveillance zone if those premises are situated within ten kilometres of that border.

(2) If the Secretary of State is satisfied that disease is present at—

- (a) any premises in Scotland or Wales situated more than ten kilometres from the border with England; or
- (b) a slaughterhouse or border inspection post in Scotland or Wales situated within ten kilometres of the border with England,

she may declare an area to be a protection zone, or an area to be a surveillance zone, or both, in England.

(3) Subject to paragraph (4), a protection zone or surveillance zone declared under this article shall be of such size as the Secretary of State considers fit so as to prevent the spread of disease.

(4) A declaration under this article shall designate the extent of any protection zone or surveillance zone declared and the Secretary of State shall ensure that—

- (a) any such zone abuts the border with Scotland or Wales, as the case may be;
- (b) any protection zone extends from that border such that its boundary is at least three kilometres from the premises where disease is present; and
- (c) any surveillance zone extends from that border such that its boundary is at least ten kilometres from those premises.

(5) In this article border inspection post means—

- (a) in relation to Scotland, a place specified as a border inspection post in Schedule 2 to the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000<sup>(9)</sup>; and
- (b) in relation to Wales, a place specified as a border inspection post in Schedule 2 to the Animals and Animal Products (Import and Export) (Wales) Regulations 2005<sup>(10)</sup>;

### **Protection zones and surveillance zones: general provisions**

**33.**—(1) Any premises which are partly inside and partly outside a protection zone shall be deemed to be wholly inside that zone.

(2) Any premises (except premises which are partly inside a protection zone) which are partly inside and partly outside a surveillance zone shall be deemed to be wholly inside that zone.

(3) Any protection zone or surveillance zone is an infected area for the purposes of the Act.

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<sup>(9)</sup> S.S.I. 2000/216, to which there are amendments not relevant to this Order.

<sup>(10)</sup> S.I. 2005/1158 (W.75).

### **Measures applicable in respect of protection zones and surveillance zones**

**34.**—(1) The measures in Parts 1 and 2 of Schedule 5 apply in respect of a protection zone and those in Parts 1 and 3 of Schedule 5 apply in respect of a surveillance zone.

(2) Subject to paragraphs (3) and (4), the Secretary of State may declare that any other measure she considers fit so as to prevent the spread of disease applies in respect of the whole or any part of any protection zone or surveillance zone and any such measure shall then apply in respect of that protection zone or surveillance zone or that part of it.

(3) The Secretary of State shall not make a declaration under paragraph (2), unless she is satisfied that the measures to be applied by that declaration are—

- (a) necessary to prevent the spread of disease, and
- (b) a proportionate method of preventing such spread, taking into account the epidemiological, animal husbandry, commercial and social conditions in the protection zone or surveillance zone.

(4) The Secretary of State shall take into account the recommended measures in paragraph 2.2 of Annex VI to the Directive before restricting the movement of horses in a surveillance zone by a declaration under paragraph (2).

(5) An area shall remain a protection zone or surveillance zone until the declaration creating it is amended or revoked in accordance with article 37.

### **Veterinary inspection of premises in protection zones and surveillance zones**

**35.**—(1) The Secretary of State shall ensure that all premises within a protection zone or a surveillance zone where susceptible animals are kept are inspected by a veterinary inspector as regularly as she considers fit to prevent the spread of disease.

(2) A veterinary inspector inspecting premises under paragraph (1) shall ensure that the inspection includes—

- (a) clinical inspection of all susceptible animals; and
- (b) inspection of the records required to be created and maintained by paragraph 1 of Schedule 5.

### **Power to prohibit entry to land or agricultural buildings in a protection zone**

**36.**—(1) Subject to paragraph (2), and with the prior written consent of the Secretary of State, an inspector may, notwithstanding the existence of any public footpath or other right of way, prohibit the entry of any person—

- (a) on to any land (excluding buildings but including any common, unenclosed or waste land); or
- (b) into any agricultural building,

in a protection zone by causing a notice to that effect to be displayed at every entrance to that land or building.

(2) No person other than—

- (a) the owner of any animal on that land or in that building or a person authorised by him, who enters for the purpose of tending that animal; or
- (b) a person entering under the authority of a licence granted by an inspector,

shall enter any land or building in respect of which a notice is displayed under paragraph (1)

(3) No person shall remove or alter a notice displayed under this article except at the direction of an inspector.

(4) Any prohibition on entry to land or buildings imposed under this article is revoked if the declaration creating the protection zone is amended in accordance with article 37 so that the protection zone becomes part of a surveillance zone.

(5) Any prohibition on entry 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 the directions of an inspector; or
- (b) a declaration of the Secretary of State.

### **Amendment and revocation of declarations creating protection zones and surveillance zones**

**37.**—(1) The Secretary of State may, where she is satisfied that the conditions in paragraph (2) are met, amend the declaration creating a protection zone so that the area within its boundaries becomes part of the surveillance zone centred on the same premises.

(2) The conditions for amendment of a declaration creating a protection zone are—

- (a) at least 15 days have elapsed since the completion of any preliminary cleansing and disinfection in that protection zone; and
- (b) a survey of all susceptible animals to substantiate the absence of infection has been carried out on behalf of the Secretary of State in that protection zone with negative results.

(3) The Secretary of State may, where she is satisfied that the conditions in paragraph (4) are met, revoke the declaration creating a surveillance zone.

(4) The conditions for revocation of a declaration creating a surveillance zone are—

- (a) at least 30 days have elapsed since completion of any preliminary cleansing and disinfection in the area within the boundaries of that surveillance zone; and
- (b) if the declaration creating that surveillance zone also created a protection zone centred on the same premises, it has previously been amended so that the protection zone has become part of the surveillance zone;
- (c) if the declaration creating that surveillance zone did not create a protection zone centred on the same premises, any zone in Scotland or Wales having equivalent effect to a protection zone and centred on the same premises as that surveillance zone is no longer in effect; and
- (d) a survey of susceptible animals to substantiate the absence of infection has been carried out in that surveillance zone since that amendment on behalf of the Secretary of State with negative results.

(5) An amendment or revocation under this article shall refer to the declaration creating the protection zone and surveillance zone and specify the date and time the amendment or revocation is to take effect.

(6) In this article “preliminary cleansing and disinfection” means cleansing and disinfection undertaken in accordance with paragraphs 12 and 13 of Schedule 3, as required by article 28 or 29, and ending 24 hours after the application of disinfectant.

### **Declaration of a restricted zone**

**38.**—(1) The Secretary of State shall declare a restricted zone if the Chief Veterinary Officer advises her that in her opinion disease has become extensive in Great Britain and the declaration of such a zone would prevent its spread.

(2) The Secretary of State may, on confirmation by the Chief Veterinary Officer of disease on premises in Great Britain, declare an area to be a restricted zone.

(3) A restricted zone shall be of such size as the Secretary of State considers fit to prevent the spread of disease, having considered a thorough epidemiological assessment of the situation.

(4) The epidemiological assessment shall include consideration of the possible time and probable location of the introduction of disease to Great Britain, its possible spread and the probable period of time necessary to eradicate it.

(5) An area shall remain a restricted zone (or part of one) until—

- (a) such date as may be stated in the declaration;
- (b) the Secretary of State amends the declaration to exclude that area; or
- (c) the Secretary of State revokes the declaration.

(6) Any amendment or revocation of a declaration creating a restricted zone shall refer to that declaration and state the date and time it is to take effect.

(7) Subject to paragraph (8), any premises which are partly inside and partly outside a restricted zone shall be deemed to be wholly inside that restricted zone.

(8) Paragraph (7) does not apply to premises which are also partly inside—

- (a) a temporary control zone;
- (b) a supplementary movement control zone;
- (c) a protection zone;
- (d) a surveillance zone;
- (e) a vaccination zone;
- (f) a vaccination surveillance zone; or
- (g) a wild animal infected zone.

### **Measures applicable in respect of a restricted zone**

**39.**—(1) The measures in Schedule 7 apply in respect of a restricted zone in addition to any requirement or restriction applying in any part of it because that part falls within a zone listed in article 38(8).

(2) The Secretary of State may declare that any other measure she considers fit so as to prevent the spread of disease applies in respect of the whole or any part of any restricted zone and any such measure shall then apply in respect of that restricted zone or that part of it.

### **Presence of disease in wild animals and declaration of a wild animal infected zone**

**40.**—(1) The Secretary of State shall, on confirmation of disease in a wild animal in England, declare an area to be a wild animal infected zone.

(2) The Secretary of State may, if she is satisfied that disease is present in a wild animal in Scotland or Wales, declare a wild animal infected zone.

(3) A wild animal infected zone shall be of such size as the Secretary of State considers fit to prevent the spread of disease.

(4) An area shall remain a wild animal infected zone (or part of one) until—

- (a) such date as may be stated in the declaration;
- (b) the Secretary of State amends the declaration to exclude that area; or
- (c) the Secretary of State revokes the declaration.

(5) Any amendment or revocation of a declaration creating a wild animal infected zone shall refer to that declaration and state the date and time it is to take effect.

(6) Any premises which are partly inside and partly outside a wild animal infected zone shall be deemed to be wholly inside that zone.

(7) Any wild animal infected zone is an infected area for the purposes of the Act.

### **Measures applicable in a wild animal infected zone**

**41.**—(1) The measures in Schedule 8 apply in respect of a wild animal infected zone in addition to any requirement or restriction applying in any part of it because that part falls within—

- (a) a protection zone;
- (b) a surveillance zone;
- (c) a vaccination zone; or
- (d) a vaccination surveillance zone.

(2) The Secretary of State may declare that any other measure she considers fit so as to prevent the spread of disease applies in respect of the whole or any part of any wild animal infected zone and any such measure shall then apply in respect of that wild animal infected zone or part of it.

## **PART 4**

### **General and supplementary provisions**

#### **Production of licences**

**42.**—(1) Every person issued with a licence under this Order shall, while executing the activity permitted by that licence, carry the licence and produce it to an inspector on demand.

(2) Paragraphs (3) and (4) apply where any of the following licences are granted for movement of susceptible animals between premises, unless that licence provides otherwise—

- (a) a licence for movement to or from premises in a temporary control zone under article 17(2) or paragraph 4 of Schedule 1;
- (b) a licence for movement to a slaughterhouse under paragraph 10 of Schedule 5;
- (c) a licence for movement to a slaughterhouse under paragraph 26 of Schedule 5;
- (d) a licence for movement to or from premises in a restricted zone under paragraph 1 of Schedule 7.

(3) Where this paragraph applies, no person shall unload susceptible animals on premises to which they are moved unless that person first gives the movement licence to the occupier of those premises or his authorised representative.

(4) Where this paragraph applies, the occupier of any premises to which susceptible animals are moved shall—

- (a) forward the movement licence without delay to the local authority and, in the case of the occupier of a slaughterhouse, provide a copy to any official veterinary surgeon appointed for those premises;
- (b) retain a copy of the licence for a period of six months and produce it on demand for inspection by an inspector;
- (c) in the case of the occupier of a collecting centre, ensure that sheep are marked or tagged in accordance with the directions of an inspector so as to enable the identity of the collecting centre and the premises from which they were moved to be established throughout their onward movement to a slaughterhouse.



### Further provision relating to certain premises

- 43.—(1) This article applies to the following premises—
- (a) a laboratory, zoo, wildlife park or other premises where susceptible animals are kept principally for the purposes of display and education of the public, or an enclosed area principally used for shooting;
  - (b) premises not falling within (a) of a body, institute or centre which—
    - (i) keeps susceptible animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research, and
    - (ii) is approved in relation to those animals under <sup>F20</sup>the Trade in Animals and Related Products Regulations 2011];
  - (c) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources.
- (2) The Secretary of State shall take such steps as she considers necessary to prevent the spread of disease to premises to which this article applies.
- (3) In taking such steps, the Secretary of State of State may—
- (a) require the detention and isolation of any vehicle, equipment or other thing on premises to which this article applies and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier, or on the person in charge of the vehicle, equipment or other thing;
  - (b) require the cleansing and disinfection of any premises to which this article applies in accordance with Schedule 3 by serving a notice requiring such action on the occupier;
  - (c) require the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him requiring such action;
  - (d) require any person to cleanse himself by serving a notice on him requiring such action;
  - (e) require the detention or isolation in a specified place of any animal or poultry on premises to which this article applies by serving a notice requiring such action on the occupier, or on its keeper;
  - (f) require the separation of any animal or poultry from other animals or poultry on premises to which this article applies by serving a notice requiring such action on the occupier of the premises, or on its keeper;
  - (g) prohibit the movement of any animal from or to premises to which this article applies, or make such movement subject to the grant of a licence by serving a notice on the occupier prohibiting such action or prohibiting such action except under licence;
  - (h) prohibit the movement of any person or persons on to premises to which this article applies and which are open to the public, or make such movement subject to the grant of a licence by serving a notice on the occupier prohibiting such action or prohibiting such action except under licence.

#### Textual Amendments

- F20** Words in art. 43(1)(b)(ii) substituted (1.6.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), art. 1(2), **reg. 33(3)**

### **Duty of the local authority to erect signs**

44. The local authority shall, as soon as is reasonably practicable after declaration of the zone, ensure that the boundaries of the following zones are indicated by signs erected in a conspicuous position on all roads entering the zones on which it considers susceptible animals are likely to be moved—

- (a) every temporary control zone;
- (b) every supplementary movement control zone;
- (c) every protection zone;
- (d) every surveillance zone;
- (e) every restricted zone;
- (f) every wild animal infected zone.

### **Cleansing and disinfection of vehicles transporting susceptible animals**

45.—(1) Subject to paragraph (3), where the cleansing and disinfection of any vehicle in accordance with this article is required, it shall be carried out in accordance with Schedule 2 to the Transport of Animals (Cleansing and Disinfection) (England) (No. 3) Order 2003<sup>(11)</sup> and with any additional directions an inspector imposes by serving a notice on the person in charge of the vehicle.

(2) Such cleansing and disinfection shall be undertaken—

- (a) before loading; and
- (b) after unloading and before leaving the premises of destination.

(3) Such cleansing and disinfection shall also be undertaken after loading and before leaving the premises of origin in respect of the wheels and wheel arches only of the vehicle to ensure they are clean on leaving the premises.

### **Cleansing and disinfection of vehicles: provision of facilities, equipment and materials**

46. Where cleansing and disinfection of vehicles is required at any premises by or under this Order, the occupier of those premises shall, at his own expense, provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

### **Marks applied under this Order**

47. No person shall remove, obscure or erase a mark applied to any animal, carcase, animal product, vehicle or other thing under this Order without the written authority of an inspector.

### **Change of occupation of premises under restriction**

48.—(1) This article applies if the keeper of any animal or poultry is unable to move it from premises on the termination of his right of occupation because of a restriction imposed by or under this Order and continues to apply for seven days after the last restriction is removed.

(2) Where this article applies, the person entitled to occupation of the premises on that termination shall—

- (a) provide such facilities for feeding, tending or otherwise using the animal or poultry (including selling it) as the keeper may reasonably require; and
- (b) allow entry to the premises to that keeper and any person authorised by him at reasonable times for feeding, tending or otherwise using the animal or poultry.

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(11) S.I. 2003/1724.

(3) If the keeper is unable or unwilling to feed or tend the animal or poultry, the person entitled to occupation of the premises shall ensure it is properly fed and tended.

(4) The keeper of the animal or poultry is liable to pay the reasonable costs incurred by any person feeding or tending it under this article, or providing facilities for feeding, tending or otherwise using it under this article.

#### **Reasonable assistance**

**49.** Any person required to give reasonable assistance or information to a person acting under this Order shall, unless he has reasonable cause, do so without delay.

#### **False information**

**50.** No person shall furnish information which he knows to be false or misleading to a person acting under this Order.

#### **Compliance with notices and directions**

**51.—**(1) Any notice served under this Order shall be complied with at the expense of the person on whom it is served, except where otherwise provided in that notice.

(2) Any direction given under this Order shall be complied with at the expense of the person to whom it is given, except where otherwise provided in a written direction of the Secretary of State.

#### **Production of records**

**52.—**(1) Any person required to produce a record by a person acting under this Order shall do so without delay.

(2) On production, a person acting under this Order may—

- (a) copy any records, in whatever form they may be held;
- (b) remove any records to enable them to be copied, or where they are kept electronically, require them to be produced in a form which may be taken away.

(3) A person removing records under this article shall give a written receipt for them.

#### **Retention of records**

**53.** Any person making a record required by this Order shall retain it for the following period—

- (a) in the case of a record made under paragraph 10 of Schedule 3, six years unless the record relates solely to the cleansing and disinfection of a vehicle, in which case six months;
- (b) in the case of a record made under—
  - (i) paragraph 1 of Schedule 1;
  - (ii) paragraph 1 of Schedule 5; or
  - (iii) paragraph 2 of Schedule 8,

three years after the requirement to maintain records in the relevant paragraph ceases to have effect in relation to the premises in question.

#### **Designated areas and periods for the inspection of vehicles**

**54.** The following are designated for the purposes of section 65A of the Act (inspection of vehicles)—

- (a) any temporary control zone for the duration of its existence;
- (b) any supplementary movement control zone for the duration of its existence;
- (c) any protection zone for the duration of its existence;
- (d) any surveillance zone for the duration of its existence;
- (e) any restricted zone for the duration of its existence;
- (f) any wild animal infected zone for the duration of its existence.

### General powers of veterinary inspectors to take action to prevent the spread of disease

**55.**—(1) This article applies to—

- (a) any zone declared under this Order; and
- (b) any premises subject to restriction under this Order, that is to say—
  - (i) premises subject to Schedule 1 by virtue of article 9(3), 9(5), 10(1), 10(2) or 11(2),
  - (ii) suspect premises,
  - (iii) contact premises, and
  - (iv) infected premises.

(2) Where this article applies, a veterinary inspector may, if he considers it necessary to prevent the spread of disease, require—

- (a) the detention and isolation of any vehicle, equipment or other thing and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier of the premises where it is present, or on the person in charge of it;
- (b) the cleansing and disinfection of any premises in accordance with Schedule 3 by serving a notice requiring such action on the occupier of those premises;
- (c) the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him requiring such action;
- (d) any person to cleanse himself by serving a notice on him requiring such action;
- (e) the detention or isolation in a specified place of any animal or poultry by serving a notice requiring such action on the occupier of the premises where it is present, or on its keeper;
- (f) the separation of any animal or poultry from other animals or poultry by serving a notice requiring such action on the occupier of the premises where it is present, or on its keeper.

(3) A notice under this article may contain such directions and conditions as the person serving it considers necessary to prevent the spread of disease.

### [<sup>F21</sup>C Contingency plans and exercises

**55A.**—(1) The Secretary of State must carry out alert exercises in real time <sup>F22</sup>..., either—

- (a) on two occasions within a five-year period following the date of the last confirmed case, the first of which must occur no later than three years after the approval of the plan; or
- (b) in the case of a major epizootic disease outbreak which was successfully controlled and eradicated, once during the five-year period following the conclusion of that outbreak.]

#### Textual Amendments

**F21** Art. 55A inserted (21.12.2021) by [The Exotic Animal Disease \(Amendment\) \(England\) Order 2021 \(S.I. 2021/1472\)](#), arts. 1(1), **2(4)**

**F22** Words in art. 55A(1) omitted (20.12.2023) by virtue of [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), 3(3)

### **Powers of inspectors in case of default**

**56.**—(1) Where a person fails to comply with a requirement imposed by or under this Order an inspector may take any steps he considers necessary to ensure the requirement is met.

(2) Where a person fails to comply with a requirement imposed by or under this Order an inspector may take any steps he considers necessary to rectify the situation so as to prevent the spread of disease.

(3) In taking steps under paragraph (1) or (2) an inspector may seize and detain any animal moved, kept or otherwise dealt with in contravention of a restriction or requirement imposed by or under this Order.

(4) In taking steps under paragraph (2), an inspector may by notice served on any person direct that person to take or refrain from specified action in respect of any place, animal, poultry, vehicle, animal product or other thing.

(5) The person in default shall reimburse any reasonable expenses incurred by the Secretary of State or the local authority in taking such steps and any such debt is recoverable summarily.

### **Offences by bodies corporate**

**57.**—(1) If an offence against the Act committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on his part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body.

(3) “Officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

### **Offences: no knowledge of restriction or requirement**

**58.** No person shall be guilty of failing to comply with a restriction or requirement which applies because of the declaration of—

- (a) a temporary control zone;
- (b) a supplementary movement control zone;
- (c) a protection zone;
- (d) a surveillance zone;
- (e) a restricted zone; or
- (f) a wild animal infected zone,

if he shows to the court’s satisfaction that he did not know of that restriction or requirement and that he could not with reasonable diligence have obtained knowledge of it.

## Enforcement

**59.**—(1) Subject to paragraphs (2) and (3), this Order shall be enforced by the local authority.

(2) This Order shall be enforced in relation to slaughterhouses by the Secretary of State.

(3) The Secretary of State may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority under this Order shall be discharged by the Secretary of State and not by the local authority.

[<sup>F23</sup>(4) For the purposes of paragraph (2) or where the Secretary of State makes a direction under paragraph (3), the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under section 73 of the Act relating to this Order.]

### Textual Amendments

**F23** Art. 59(4) added (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **8**

## [<sup>F24</sup> **Biosecurity standards for laboratories handling live foot-and-mouth disease virus**

**59A.**—(1) All laboratories handling live foot-and-mouth disease virus must be authorised by a licence under the Specified Animal Pathogens Order 2008 and operate in accordance with the conditions of that licence.

(2) Laboratories handling live foot-and-mouth disease virus must be—

- (a) designated by the Secretary of State as the national reference laboratory for foot-and-mouth disease; or
- (b) specifically authorised by the Secretary of State for the handling of live foot-and-mouth disease virus.]

### Textual Amendments

**F24** Art. 59A inserted (21.12.2021) by [The Exotic Animal Disease \(Amendment\) \(England\) Order 2021 \(S.I. 2021/1472\)](#), arts. 1(1), **2(5)**

## PART 5

### Amendments and revocations

#### **Amendment to the Diseases of Animals (Approved Disinfectants) Order 1978**

**60.** In article 2 of the Diseases of Animals (Approved Disinfectants) Order 1978(**12**), for the definition “Foot-and-Mouth Disease Orders”, substitute ““Foot-and-Mouth Disease Orders” means the Foot-and-Mouth Disease (England) Order 2006(**13**) and the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006(**14**);“.

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(12) S.I. [1978/32](#), to which there are amendments not relevant to this Order.

(13) S.I. [2006/182](#).

(14) S.I. [2006/183](#).

### **Amendment to the Foot-and-Mouth Disease (Ascertainment of Value) (No. 5) Order 2001**

- 61.** In the Foot-and-Mouth Disease (Ascertainment of Value) (No. 5) Order 2001<sup>(15)</sup>—
- (a) in article 2(1), for “paragraph 3(2)” substitute “paragraphs 2A(10) and 3(2)”; and
  - (b) in article 2(6), for “paragraph 3(1)” substitute “paragraph 2A(2) or paragraph 3(1)”.

### **Amendment to the Disease Control (England) Order 2003**

- 62.** In the Disease Control (England) Order 2003<sup>(16)</sup>, for article 3 substitute—

**“Exception**

- 3.** This Order shall not apply in relation to a movement to or from a zoo licensed under the Zoo Licensing Act 1981<sup>(17)</sup>.”.

### **Revocations**

- 63.** The Orders listed in Schedule 9 are revoked to the extent specified in that Schedule.

*Ben Bradshaw*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

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<sup>(15)</sup> S.I. 2001/2734.

<sup>(16)</sup> S.I. 2003/1729.

<sup>(17)</sup> 1981 c. 37.



**Changes to legislation:**

There are currently no known outstanding effects for the The Foot-and-Mouth Disease (England) Order 2006.