
STATUTORY INSTRUMENTS

2006 No. 182

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

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 regulation 9 of the Animals and Animal Products (Import and Export) (England) Regulations 2005⁽¹⁾;
 - (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 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.

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.

(1) S.I.2005/2002.

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(2) 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.

(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.

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.