
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose for England Council Directive [2003/85/EC](#) on Community measures for the control of foot-and-mouth disease (OJNo. L306, 22.11.2003, p1) insofar as it deals with vaccination against foot-and-mouth disease.

The other measures transposing Directive [2003/85/EC](#) in England are the Animal Health Act 1981 (Amendment) Regulations 2005 (S.I.[2005/3475](#)) and the Foot-and-Mouth Disease (England) Order 2006 (S.I. [2006/182](#)) (“the Order”), read with the Animal Health Act 1981 (c. 22, amended by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I. [1992/3293](#)), the Animal Health Act 2002, c. 42, and the Animal Health Act 1981 (Amendment) Regulations 2005) (“the Act”).

The Regulations revoke the Foot-and-Mouth Disease (Infected Areas) (Vaccination) Order 1972 (S.I. [1972/1509](#)) insofar as it applies in England and the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2001 (S.I. [2001/2375](#)).

Part 1 of the Regulations contains introductory and interpretation provisions.

Part 2 makes provision for a programme of vaccination against foot-and-mouth disease.

Regulation 8 requires vaccination to be carried out under licence unless it is carried out as scientific research.

Regulation 9 sets out the factors the Secretary of State must consider when deciding whether to permit vaccination and regulation 10 requires such a decision to be in writing and to contain specified information.

Regulation 11 provides for the effect of a licence permitting vaccination.

Regulations 12 to 16 apply when a programme of protective vaccination (defined in regulation 2, commonly referred to as “vaccination to live”) is undertaken. They provide for the declaration of a vaccination zone and a vaccination surveillance zone. Regulation 15 and the Schedule provide for the measures applying in a vaccination zone. The requirements in the Schedule for treatment of products originating in or produced in a vaccination zone should be read with Schedule 6 of the Order. The measures applying in a vaccination zone vary according to the phase of the vaccination programme; the commencement and ending of phases are also provided for in regulation 15. Regulation 16 provides for the measures applying in a vaccination surveillance zone.

Regulation 17 extends the power to vaccinate animals in section 16 of the Act and, consequentially, the effect of other provisions of the Act relating to vaccination.

Regulation 18 requires keepers of animals to facilitate their vaccination and controls movement of animals from premises where vaccination is being undertaken.

Regulation 19 provides for identification of vaccinated animals by means of an eartag at the time of vaccination. Regulation 20 requires cattle passports and registration certificates to be marked to identify the animal as vaccinated. Regulation 21 provides for removal of eartags and missing eartags. Regulation 22 prohibits the sale or sending for slaughter of a vaccinated animal unless it is identified as such. Regulations 23 and 24 provide for animals which were to have been included in a vaccination programme but were not vaccinated and for their carcasses. Regulation 24 also makes provision for the treatment of carcasses which come from a vaccinated animal but are not being dealt with accordingly.

Regulation 25 provides for the survey of premises during phase 2 of a programme of protective vaccination and their classification according to the results of that survey. Regulation 26 provides

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for the measures applying to premises classified during the survey as “reactor premises”. The requirements for cleansing and disinfection and restocking of reactor premises should be read with Schedules 3 and 4 of the Order.

Regulation 27 requires the local authority to erect signs indicating the boundaries of vaccination zones and vaccination surveillance zones.

Regulation 28 prohibits the sending of vaccinated animals for intra-Community trade.

Part 3 makes general and supplementary provision

Regulation 29 requires occupiers to provide facilities, equipment and materials where cleansing and disinfection of vehicles is required on their premises.

Regulation 30 makes provision to maintain marks applied under the Regulations.

Regulation 31 provides for the feeding and tending of animals or poultry which cannot be moved on termination of a right of occupation because of a restriction imposed by the Regulations.

Regulations 32 to 38 and 40 to 43 make provision related to offences and enforcement. In particular, regulation 37 applies provisions of the Act related to offences as if the Regulations were an Order made under the Act; consequentially, failure to comply with the Regulations is an offence under section 73 of the Act (regulation 37(1)(g)). Regulation 37(3) provides for penalties.

Regulation 39 confers general powers on veterinary inspectors to take action to prevent spread of disease.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been prepared and placed in the library of each House of Parliament, together with a Transposition Note setting out how the main elements of Directive [2003/85/EC](#) are transposed in these Regulations. Copies may be obtained from the Department for Environment, Food and Rural Affairs, Exotic Disease Prevention and Control Division, 1A Page Street, London SW1P 4PQ.

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