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STATUTORY INSTRUMENTS

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**2006 No. 183**

**The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006**

**PART 3**

**General and supplementary provisions**

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

**29.** Where cleansing and disinfection of vehicles is required at any premises by or under these Regulations, 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 these Regulations**

**30.** No person shall remove, obscure or erase a mark applied to any animal, animal product, vehicle or other thing under these Regulations without the written authority of an inspector.

**Change of occupation of premises under restriction**

**31.—(1)** This regulation 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 these Regulations and continues to apply for seven days after the last restriction is removed.

(2) Where this regulation 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 regulation, or providing facilities for feeding, tending or otherwise using it under this regulation.

**Reasonable assistance**

**32.** Any person required to give reasonable assistance or information to a person acting under these Regulations for the performance of his functions under them shall, unless he has reasonable cause, do so without delay.

### **False information**

**33.** No person shall furnish information which he knows to be false or misleading to a person acting under these Regulations.

### **Production of records**

**34.**—(1) Any person required to produce a record by a person acting under these Regulations shall do so without delay.

- (2) On production, a person acting in the execution of these Regulations may—
- (a) copy any records, in whatever form they may be held; or
  - (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 regulation shall give a written receipt for them.

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

**35.**—(1) Any notice served under these Regulations 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 these Regulations 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.

### **Powers of inspectors**

**36.**—(1) —The following provisions of the Act apply as if these Regulations were an Order made under the Act and as if the definition of animal in section 87 of the Act was extended to comprise every susceptible animal—

- (a) section 63 (general powers of inspectors);
  - (b) section 64A(1) (powers of inspectors relating to Community obligations); and
  - (c) section 65(1) to (3) (power to detain vessels and aircraft).
- (2) Section 65A of the Act(2) (inspection of vehicles) applies as if—
- (a) these Regulations were an Order under the Act;
  - (b) the definition of animal in section 87 of the Act was extended to comprise every susceptible animal; and
  - (c) every vaccination zone and vaccination surveillance zone was designated for the duration of its existence for the purposes of that section.

### **Offences and proceedings**

**37.**—(1) The following provisions of the Act apply as if these Regulations were an Order made under the Act—

- (a) section 60(3) (duties and authorities of constables);
- (b) section 66 (refusal and obstruction);
- (c) section 67 (issue of false licences etc.);

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(1) Section 64A was inserted by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I.1992/3293), regulation 2.

(2) Section 65A was inserted by the Animal Health Act 2002 (c. 42), section 10.

(3) Section 60 was amended by the Animal Health Act 2002 (c. 42), section 11.

- (d) section 68 (issue of licences etc. in blank);
- (e) section 71 (other offences as to licences);
- (f) section 71A(4), (prosecutions: time limit);
- (g) section 73 (general offences);
- (h) section 77 (money recoverable summarily); and
- (i) section 79(1) to (4) (evidence and procedure),

and as if the definition of animal in section 87 of the Act was extended to comprise every susceptible animal.

(2) Section 69 of the Act (falsely obtaining licences etc.) applies as if licences granted under these Regulations were granted under an Order made under the Act.

(3) Section 75 of the Act(5) (penalties for certain summary offences) applies as if these Regulations were an Order made under the Act except that any term of imprisonment on summary conviction shall not exceed three months.

### **Production of licences**

**38.** — Every person issued with a licence under these Regulations shall, while executing the licensed activity, carry the licence and produce it to an inspector on demand.

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

**39.**—(1) This regulation applies to every vaccination zone and vaccination surveillance zone.

(2) Where this regulation 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 or other place in accordance with Schedule 3 to the Order by serving a notice requiring such action on the occupier of those premises or that place;
- (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 regulation 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**

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

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(4) Section 71A was inserted by the Animal Health Act 2002 (c. 42), section 14.

(5) Section 75 was amended by the Animal Health Act 2002 (c. 42), section 13.

(2) Where a person acts in contravention of a requirement imposed by or under these Regulations, 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 these Regulations.

(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**

**41.**—(1) If an offence 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**

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

- (a) a vaccination zone; or
- (b) a vaccination surveillance 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**

**43.**—(1) Subject to paragraphs (2) and (3), these Regulations shall be enforced by the local authority.

(2) These Regulations 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 these Regulations shall be discharged by the Secretary of State and not by the local authority.

### **Revocations**

**44.** The following instruments are revoked—

- (a) the Foot-and-Mouth Disease (Infected Areas) (Vaccination) Order 1972<sup>(6)</sup> (insofar as the Order applies in England); and
- (b) the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2001<sup>(7)</sup>.

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<sup>(6)</sup> S.I. 1972/1509.  
<sup>(7)</sup> S.I. 2001/2375.