

2007 No. 2399

ANIMALS, ENGLAND

ANIMAL HEALTH

The Zoonoses (Monitoring) (England) Regulations 2007

<i>Made</i> - - - -	<i>13th August 2007</i>
<i>Laid before Parliament</i>	<i>16th August 2007</i>
<i>Coming into force</i> - -	<i>1st October 2007</i>

The Secretary of State is designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures in the veterinary and phytosanitary fields for the protection of public health.

He makes the following Regulations under the powers conferred by that section:

Title, application and commencement

1. These Regulations—

- (a) may be cited as the Zoonoses (Monitoring) (England) Regulations 2007;
- (b) apply in England; and
- (c) come into force on 1st October 2007.

Interpretation

2.—(1) In these Regulations—

“the Directive” means Directive 2003/99/EC of the European Parliament and of the Council on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC(c);

“inspector” means any person appointed to be an inspector for the purposes of these Regulations by the Secretary of State or a local authority;

“local authority” means—

- (a) in any part of England where there is a unitary authority, that authority;
- (b) in any part of England where there is not a unitary authority—
 - (i) in a metropolitan district, the council of that district,
 - (ii) in a non-metropolitan county, the council of that county,

(a) S.I. 1999/2027.

(b) 1972 c. 68.

(c) OJ No L 325, 12.12.2003, p. 31.

(iii) in each London borough, the council of that borough;

(iv) in the City of London, the Common Council;

“unitary authority” means any authority that is the sole principal council for its local government area.

(2) Expressions used in both these Regulations and the Directive have the same meaning in these Regulations as they have in the Directive.

Competent authority

3. The Secretary of State is the competent authority for the purposes of Articles 3(2), 6(1) and 8(2) of the Directive in so far as that Directive relates to animals.

Power of entry

4.—(1) An inspector shall, on producing (if so required) some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises on which any animal or animal feedingstuff is, or has been, present for the purpose of—

- (a) determining whether any zoonosis listed in the Schedule or any zoonotic agent of any such zoonosis exists or has existed there;
- (b) determining whether there is evidence of antimicrobial resistance in any such zoonotic agent or in any other agent that presents a threat to public health;
- (c) determining, if the epidemiological situation so requires, whether—
 - (i) any other zoonosis or zoonotic agent exists or has existed there,
 - (ii) there is evidence of antimicrobial resistance in any such zoonotic agent,
 - (iii) any agent of any infection that exists or has existed on those premises is transmissible directly or indirectly from animals to humans, or
 - (iv) any agent of any infection that is, or may be, transmissible directly from animals to humans exists, or has existed, on those premises; or
- (d) the enforcement of these Regulations.

(2) Paragraph (1) does not apply to admission to any premises used only as a private dwelling-house unless—

- (a) 24 hours’ notice of the intended entry has been given to the occupier; or
- (b) the entry is in accordance with a warrant granted under this regulation.

(3) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for entry into any premises for the purposes of the enforcement of these Regulations and—

- (a) admission has been refused, or a refusal is expected, and (in either case) notice to apply for a warrant has been given to the occupier;
- (b) asking for admission, or the giving of such a notice, would defeat the object of the entry;
- (c) the case is one of urgency; or
- (d) the premises are unoccupied or the occupier is temporarily absent,

the justice may by warrant signed by him authorise the inspector to enter the premises, if necessary by reasonable force.

(4) A warrant under this regulation shall continue in force for one month.

(5) If an inspector enters any unoccupied premises he must leave them as effectively secured against unauthorised entry as he found them.

(6) In this regulation “premises” includes any land, place, vehicle or trailer, container, stall, moveable structure, ship or aircraft.

Powers of inspectors

5. An inspector entering premises under regulation 4 may—
- (a) carry out such inquiries, examinations and tests and take such samples (including any animal carcase or any part of any animal carcase, blood, faecal material, feeding stuff, litter or any animal product) as he considers necessary;
 - (b) examine any records in whatever form and take copies or print-outs of those records;
 - (c) mark, or cause to be marked, for identification purposes, any animal, animal carcase or thing in relation to which any of the powers under paragraph (a) or (b) have been exercised;
 - (d) make inquiries of any person;
 - (e) place any equipment (including any trap) on the premises for the purpose of capturing or monitoring any wild animal (including any arthropod vector) or for detecting any micro-organism;
 - (f) take with him any person, vehicle or equipment that he considers necessary for the execution of these Regulations; and
 - (g) take with him any representative of the European Commission.

Examination of isolates

6.—(1) A food business operator responsible for primary production who examines an isolate, or causes an examination of an isolate to be carried out, in order to detect the presence of any zoonosis or zoonotic agent must—

- (a) take all reasonable steps to ensure that the isolate is preserved for a period of at least two weeks from the date of the examination;
- (b) keep the results of the examination for a period of 12 months from receipt; and
- (c) supply those results to the Secretary of State immediately upon demand during that period.

(2) Paragraph (1) does not apply to any sample taken for the purposes of the Poultry Breeding Flocks and Hatcheries (England) Order 2007^(a).

Monitoring wild animals

7. If the Secretary of State prepares a programme for the monitoring of zoonoses or zoonotic agents in wild animals that includes the taking of—

- (a) any sample from a live wild animal; or
- (b) any egg or sample from the temporary or permanent resting place or nest of a wild animal,

he must consult Natural England before monitoring commences.

Enforcement

8.—(1) These Regulations must be enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description or any particular case, that he will enforce this Order instead of the local authority.

Offences and penalties

9.—(1) A person commits an offence if he—

(a) S.I. 2007/405.

- (a) administers any treatment to an animal with the intention of disguising any zoonosis or zoonotic agent;
- (b) defaces, obliterates or removes any mark applied under regulation 5(c);
- (c) removes or intentionally damages any equipment placed on premises under regulation 5(e);
- (d) fails to comply with regulation 6(1);
- (e) intentionally obstructs any person acting in the execution or enforcement of these Regulations;
- (f) gives any information that he knows to be false or misleading to any person acting in the execution or enforcement of these Regulations;
- (g) fails, without reasonable excuse—
 - (i) to give any assistance or information that any person acting in the execution or enforcement of these Regulations may require him to give, or
 - (ii) to produce any record that any person acting in the execution or enforcement of these Regulations may require him to produce,
 for the performance of that person's functions under these Regulations.

(2) A person guilty of an offence under these Regulations is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offences by bodies corporate

10.—(1) If an offence under these Regulations 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 is 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.

Jeff Rooker
Minister of State

13th August 2007

Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 4(1)(a)

Zoonoses

brucellosis

campylobacteriosis

echinococcosis

listeriosis

salmonellosis

trichinellosis

tuberculosis due to *Mycobacterium bovis*

verotoxigenic *Escherichia coli*

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations provide inspectors with powers of entry to monitor for zoonoses and antimicrobial resistance to zoonotic agents and other agents that pose a threat to public health, as required by Directive 2003/99/EC (on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC) (regulation 4). Regulation 5 sets out what inspectors may do on those premises, including take samples, examine records and make inquiries of any person.

Regulation 6 requires food business operators involved in primary production to preserve isolates that have been tested for a zoonosis and to keep the results of those tests and provide them to the Secretary of State on demand.

Regulation 7 requires the Secretary of State to consult Natural England in relation to any programme for the monitoring of zoonosis or zoonotic agents in wild animals that includes sampling of live wild animals or their nests or resting places.

Regulation 8 deals with enforcement. Regulation 9 creates offences for obstructing an inspector and sets out the applicable penalties.

A transposition note and full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Surveillance, Zoonoses and Emerging Issues Division, Department for Environment, Food and Rural Affairs, Area 707, 1A Page Street, London SW1P 4PQ or from the Defra website www.defra.gov.uk/animalh/diseases/zoonoses/directive.htm and is annexed to the Explanatory Memorandum which is available alongside the instrument on the Office of Public Sector Information website.

STATUTORY INSTRUMENTS

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