

2023 No. 1415

ANIMALS, ENGLAND

ANIMAL HEALTH

The Exotic Disease (Amendment) (England) Order 2023

Made - - - - *19th December 2023*
Coming into force - - *20th December 2023*

The Secretary of State makes this Order in exercise of the powers conferred by sections 1, 7(1) and (2), 8(1)(a), 15(5), 17(1), 23, 25, 28, 32(2), 35(1) and (3), 83(2), 87(2) and (5)(a) and 88(2) of the Animal Health Act 1981(b).

Citation, commencement, extent and application.

1.—(1) This Order may be cited as the Exotic Disease (Amendment) (England) Order 2023 and comes into force on 20th December 2023.

(2) This Order—

- (a) extends to England and Wales;
- (b) applies in relation to England only.

(3) In this Order, “the Act” means the Animal Health Act 1981.

Extension of the definition of “disease”

2.—(1) For the purposes of the Act, the definition of “disease” in section 88(1) of the Act is extended so as to comprise—

- (a) transmissible spongiform encephalopathy; and
- (b) African swine fever.

Amendments to the Foot and Mouth Disease (England) Order 2006

3.—(1) The Foot and Mouth Disease (England) Order 2006(c) is amended as follows.

(2) In article 2(1), omit the definition of “national contingency plan”.

(3) In article 55A (contingency plans and exercises), in paragraph (1) in the words before subparagraph (a) omit “in accordance with the national contingency plan”.

(a) Section 8(1) of the Animal Health Act 1981 (c. 22) is amended by section 34(2) of the Agriculture Act 2020 (c. 21).
(b) 1981 c. 22. The expression “the Ministers” is defined in section 86(1)(c). These powers were previously exercisable by the Minister of Agriculture, Fisheries and Food and were transferred to the Secretary of State by S.I. 2002/794.
(c) S.I. 2006/182; relevant amendments are S.I. 2009/2713, 2013/2952, 2018/99, 2019/526, 1488 and 2021/1472.

Amendments to the Avian Influenza and Influenza of Avian Origin in Mammals (England) (No.2) Order 2006

4.—(1) The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No.2) Order 2006(a) is amended as follows.

(2) In article 2 (interpretation)—

(a) in the definition of “avian influenza (restrictions on mammals) zone” for “61(1)(b)” substitute “61(3)”;

(b) after the definition of “avian influenza (restrictions on mammals) zone” insert—

““avian influenza virus” means any highly pathogenic avian influenza virus or low pathogenic avian influenza virus;”;

(c) for the definition of “border inspection post” substitute—

““border control post” means a place designated by the competent authority for the performance of official controls under 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(b);”;

(d) in the definition of “contact premises”—

(i) in sub-paragraph (c) for “61(2)” substitute “61A(3)”;

(ii) in sub-paragraph (d) for “61(2)” substitute “61A(3)”;

(e) for the definition of “highly pathogenic avian influenza” substitute—

““highly pathogenic avian influenza” means an infection of poultry or other captive birds caused by a highly pathogenic avian influenza virus;”;

(f) after the definition of “highly pathogenic avian influenza” insert—

““highly pathogenic avian influenza virus” means—

(a) influenza A virus of the subtype H5 or H7 with genome sequences containing multiple basic amino acids at the cleavage site of the haemagglutinin gene similar to that observed for other highly pathogenic avian influenza viruses, indicating that the haemagglutinin protein can be cleaved by a host ubiquitous protease; or

(b) influenza A virus with an intravenous pathogenicity index in six-week-old chickens greater than 1.2;”;

(g) in the definition of “infected premises” after sub-paragraph (b) insert—

“(ba) in Part 7 and in Schedule 10, premises where the Chief Veterinary Officer has confirmed that influenza of avian origin exists;”;

(h) after the definition of “infected premises” insert—

““influenza of avian origin” means an infection of a mammal with avian influenza virus”;

(i) after the definition of “keeper” insert—

““kept mammal” means a mammal kept in captivity, in the possession of or under the charge of a person;”;

(j) in the definition of “low pathogenic avian influenza”—

(i) after “caused by” insert “a low pathogenic”;

(ii) for “viruses” substitute “virus”;

(iii) omit the words from “of subtypes H5 or H7” to the end.

(k) after the definition of “low pathogenic avian influenza restricted zone” insert—

(a) S.I. 2006/2702. Relevant amending instruments are S.I. 2009/2713, 2018/575, 2021/1472, 2022/1108, 1224.

(b) EUR 2017/625.

““low pathogenic avian influenza virus” means an avian influenza virus of subtype H5 or H7 other than an avian influenza virus of subtype H5 or H7 which causes highly pathogenic avian influenza;”;

- (l) after the definition of “other captive bird” insert—

““food processing establishment” means any unit of a food business where any action that alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes takes place;”;
 - (m) in the definition of “regulated place” for “inspection” substitute “control”;
 - (n) for the definition of “unregulated period of infection” substitute—

“means the period from the date, when in the opinion of a veterinary inspector, avian influenza virus may first have been introduced to premises, up to the time and date when measures under article 10 (notice of restrictions where avian influenza is suspected on premises) are imposed by notice in writing on the occupier.”;
 - (o) after the definition of “wild game bird product” insert—

““wild mammal” means a mammal which lives freely in the wild and is not in the possession or under the charge of any person;”.
- (3) In article 3 (scope of the Act and of this Order)—
- (a) in paragraph (1)(c), omit “virus”;
 - (b) in paragraph (2)—
 - (i) after “Section 32” insert “excluding paragraph (2)”;
 - (ii) “after “influenza” omit “virus”.
- (4) In article 4 (declarations, licences, notices and designations under this Order)—
- (a) in paragraph (2)(c), after “avian influenza”, insert “or influenza of avian origin”.
- (5) In article 6 (measures to reduce the risk of transmission of avian influenza)—
- (a) in paragraph (1), in the words before sub-paragraph (a), after “avian influenza” insert “virus”;
 - (b) in paragraph (2) after “avian influenza” insert “virus”;
 - (c) in paragraph (3) (iii), after “avian influenza” insert “virus”.
- (6) In article 7 (surveillance for avian influenza)—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), for “prevalence” substitute “presence”;
 - (ii) in sub-paragraph (b), for “influenza of avian origin” substitute “avian influenza virus”;
 - (b) after paragraph (1) insert—

“(1A) The Secretary of State may carry out surveillance at such premises and of such mammals as he considers necessary—

 - (a) to detect the presence of avian influenza virus in kept mammals;
 - (b) to assess the risk of the spread of avian influenza virus.”.
- (7) In article 9 (notification procedures and precautions to be taken where avian influenza is suspected)—
- (a) in paragraph (3)—
 - (i) in sub-paragraph (a) for “influenza of avian origin” substitute “avian influenza virus”;
 - (ii) in sub-paragraph (b) for “influenza virus of avian origin” substitute “avian influenza virus”.
 - (b) at the end, insert—

“(5) A person who has in his possession or under his charge any mammal or mammal carcass which he suspects has or may have influenza of avian origin must—

- (a) immediately notify the Secretary of State; and
- (b) take all reasonable steps to ensure that the measures in Schedule 9 are complied with.

(6) Any person who analyses a sample taken from a wild bird or a wild bird carcass must give notice as soon as practicable to the Secretary of State if they detect the presence of avian influenza virus or antibodies to avian influenza virus in that wild bird or wild bird carcass.”.

(8) In article 10 (notice of restrictions where avian influenza is suspected on premises)—

(a) in paragraph (1) for “avian influenza, influenza of avian origin or a virus causing such diseases” substitute “avian influenza or influenza of avian origin”;

(b) in paragraph (2) for “the measures in Schedule 1”, substitute—

“(i) in the case of premises where poultry or other captive birds are present, the measures in Schedule; and

(ii) in the case of premises where mammals are present, the measures in Schedule 1 and Schedule 9”;

(c) in paragraph (3)—

(i) for “an inspector” substitute “a veterinary inspector”;

(ii) at the end insert “or the presence of disease has been negated”.

(9) In article 11 (derogations from restrictions applicable at suspect premises)—

(a) in paragraph (3)—

(i) in sub-paragraph (a), after “avian influenza”, insert “virus”;

(ii) in sub-paragraph (c), after “birds”, insert “, mammals”;

(b) in paragraph (4)—

(i) after “derogation from the” insert “cleansing and”;

(ii) after “Schedule 1” insert “or paragraph 6 of Schedule 9”;

(iii) in sub-paragraph (c) after “avian influenza” insert “virus”.

(10) In article 12 (veterinary inquiries and sampling)—

(a) for paragraph (1) substitute—

“(1) The Secretary of State must ensure that a veterinary inquiry is started at a suspect premises as soon as reasonably practicable if he suspects—

(a) that poultry, other captive birds or kept mammals on the premises—

(i) are infected with avian influenza virus; or

(ii) have been moved to those premises from premises where avian influenza or influenza of avian origin is suspected or has been confirmed; or

(b) that infection may have been present on the premises in the preceding 56 days.”;

(b) in paragraph (2)—

(i) for “or other captive birds” substitute “, other captive birds or kept mammals”;

(ii) for “whether any” substitute “which”;

(iii) after “Schedule 1” insert “or Schedule 9”;

(c) after paragraph (3) insert—

“(4) A veterinary inquiry under paragraph (1) conducted at premises where mammals are kept may be carried out whether or not—

(a) poultry or other captive birds are kept on the premises; or

(b) avian influenza virus is present or has been present on the premises in the preceding 56 days.”.

(11) In article 13 (measures to minimise the risk of the spread of avian influenza from suspect premises), in paragraph (b) for “Schedule 2” substitute “Schedules 1 and 9”.

(12) In article 15 (measures in a temporary movement restriction zone), in paragraph (1) (e) before “mammals” insert “kept”.

(13) In article 16 (additional restrictions at suspect premises) after paragraph (c) insert—

“(ca) to all kept mammals at the premises;

(cb) to specified kept mammals at the premises.”.

(14) In article 17 (declaration of a temporary control zone), after “avian influenza” insert “virus”.

(15) In article 19 (restrictions on confirmation of highly pathogenic avian influenza)—

(a) for paragraph (1) substitute—

“(1) If the Chief Veterinary Officer confirms that highly pathogenic avian influenza exists or has in the preceding 56 days existed in poultry or other captive birds on any premises, the Secretary of State must impose by notice to the occupier of the infected premises, the measures in Schedule 2 in addition to the measures in Schedule 1.”;

(b) Omit paragraph (2).

(16) In article 22 (measures on a special category premises), in paragraph (5) for “UK Farm Animal Genetic Resources Committee” substitute “UK Genetics for Livestock and Equines Committee (UKGLE)”.

(17) For article 23 (tracing of meat and eggs from infected premises) substitute—

“**23.**—(1) Subject to paragraph (2), the Secretary of State must trace from infected premises, so far as it reasonable to do so—

(a) the meat of all poultry slaughtered during the unregulated period of infection;

(b) poultry eggs laid at the premises during that period;

(c) poultry hatched from such eggs; and

(d) semen of all poultry.

(2) The Secretary of State must, subject to a veterinary risk assessment, trace or require the tracing of live poultry, poultry meat, poultry eggs or poultry semen at least up to—

(a) in the case of products of animal origin, the first food processing establishment or where such products are not processed, a packing establishment;

(b) in the case of hatching eggs, the hatchery or premises where eggs are sent for hatching; or

(c) in the case of animal-by-products, the first approved animal-by-product premises.

(3) Where poultry meat, poultry eggs or poultry semen are traced, the Secretary of State may also trace up to such premises as the Chief Veterinary Officer considers necessary to avoid the risk of the spread of avian influenza virus.”.

(18) In article 26 (identification of contact premises), in paragraph (1) after “avian influenza” insert “virus”.

(19) In article 27 (restrictions at contact premises)—

(a) in paragraph (4)—

(i) in sub-paragraph (a) for “birds” substitute “poultry or other captive birds”;

(ii) in sub-paragraph (b) after “poultry” insert “or other captive birds”.

(20) In article 34 (measures in restricted zones), in paragraph (1) after “avian influenza” insert “virus”.

(21) In article 40 (poultry meat and by-products in slaughterhouses where disease is suspected or confirmed), in paragraph (2)(a), for “inspection” substitute “control”.

(22) For article 41 (measures at border inspection posts) and the heading to that article substitute—

“Measures at border control posts

41.—(1) The Secretary of State must, if necessary to reduce the risk of the spread of avian influenza virus—

(a) require a veterinary inquiry to be carried out at a border control post where the presence of avian influenza virus is suspected or confirmed in poultry, other captive birds or kept mammals;

(b) impose by notice to the person with responsibility for control of the border control post such of the measures in Schedule 1 and 9 as are appropriate.

(2) In paragraph (1), “necessary” and “appropriate” mean, respectively, necessary and appropriate in the opinion of the Secretary of State.

(3) The Secretary of State must by notice to the person with responsibility for operating the border control post, direct where poultry, other captive birds or kept mammals specified in the notice are to be killed, slaughtered or isolated.

(4) The Secretary of State must ensure that—

(a) poultry or other captive birds which are to be killed or slaughtered under paragraph (5) of Schedule 3 to the Act are killed or slaughtered without delay;

(b) kept mammals which are to be killed or slaughtered under section 32 of the Act are killed or slaughtered without delay.

(5) The Secretary of State must ensure that poultry, other captive birds or kept mammals which are not to be killed or slaughtered under paragraph (3) are kept—

(a) isolated in accordance with the instructions of a veterinary inspector; and

(b) under official supervision until the investigation is completed in accordance with the requirements set out in the diagnostic manual.”.

(23) In article 42 (control of vehicles) after “avian influenza” insert “virus”.

(24) In article 44 (reintroduction of poultry and other captive birds)—

(a) in paragraph (2) for “inspection” substitute “control”;

(b) in paragraph (3)—

(i) after “avian influenza” insert “virus”;

(ii) for “inspection” substitute “control”.

(25) In article 45 (measures at other premises and vehicles) in paragraph (2) for “inspection” substitute “control” in both places where it occurs.

(26) In article 46 (Measures when low pathogenic avian influenza is confirmed)—

(a) in paragraph (1), for the words before sub-paragraph (a) substitute—

“(1) If on any premises, other than a regulated place, the Chief Veterinary Officer confirms that low pathogenic avian influenza exists or has in the preceding 56 days existed in poultry or other captive birds, the Secretary of State must—”

(b) in paragraph (3) after “avian influenza” insert “virus”;

(c) in paragraph (5) after “avian influenza” insert “virus”.

(27) In article 50 (Measures on special category premises)—

(a) in paragraph (1)—

(i) after “killed” insert “or slaughtered”;

(ii) in sub-paragraph (b)(i) omit “or”;

- (iii) omit sub-paragraph (ii).
- (b) in paragraph (3) after “avian influenza” insert “virus”.
- (28) In article 51 (veterinary surveillance of birds) and in the heading to that article, for “birds” substitute “poultry or other captive birds”.
- (29) In article 52 (tracing of poultry and eggs)—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (a) after “poultry” insert “or other captive birds”;
 - (ii) in sub-paragraph (b) after “poultry” insert “or other captive birds”.
 - (b) In paragraph (2) for “and poultry” substitute “, poultry or other captive birds”.
- (30) In article 53 (identification of contact premises) after “avian influenza” insert “virus”.
- (31) In article 54 (restrictions at contact premises)—
 - (a) in paragraph (1), after “avian influenza” insert “virus”;
 - (b) in paragraph (2), after “avian influenza” insert “virus”;
 - (c) in paragraph (4), after “avian influenza” insert “virus”.
- (32) For article 58 (tests on animals at premises where avian influenza is confirmed) and in the heading to that article, substitute—

“Restrictions on mammals on suspicion of influenza of avian origin

58. On suspicion that influenza of avian origin exists or has in the preceding 56 days existed on any premises, a veterinary inspector must impose, by notice to the occupier of the premises such measures in Schedule 9 as the veterinary inspector considers necessary to prevent the spread of disease.”.

- (33) For article 59 (killing of mammals) and in the heading to that article, substitute—

“Measures in relation to mammals on premises where disease is suspected or confirmed

59.—(1) This article applies in relation to kept mammals on premises affected or suspected of being affected with avian influenza virus.

(2) The Secretary of State must ensure that mammals to which this section applies that are to be killed or slaughtered under section 32 of the Act are—

- (a) killed or slaughtered in accordance with the instructions of a veterinary inspector; and
- (b) transported in accordance with the instructions of a veterinary inspectors if they are not killed or slaughtered on the premises.

(3) The Secretary of State may require a mammal not killed or slaughtered under paragraph (1) to be subject to monitoring by a veterinary inspector or any person on the instructions of a veterinary inspector for such time and at such frequency as is considered by a veterinary inspector to be necessary.”.

- (34) In article 60 (movement off the premises)—
 - (a) in paragraph (1) for “under article 58” substitute “in the course of an inquiry under article 12”;
 - (b) in paragraph (2)—
 - (i) for “influenza virus of avian origin” substitute “avian influenza virus”;
 - (ii) after “spread of avian influenza” insert “virus”.
- (35) After article 60 (movement off the premises) and in the heading to that article, insert—

“Restrictions on mammals on confirmation of influenza of avian origin

60A. On confirmation by the Chief Veterinary Officer that influenza of avian origin exists or has in the preceding 56 days existed on any premises, a veterinary inspector must by notice to the occupier of the premises, impose the measures in Schedules 9 and 10.”.

(36) For article 61 (other measures to control the spread of virus in mammals) and in the heading to that article, substitute—

“Measures to control the spread of avian influenza virus in mammals

61.—(1) A notice under article 12, 58, 59, 60A or 61A may, in addition to any measures specified in the relevant article, require such additional measures as appear to the Chief Veterinary Officer to be necessary in order to control or monitor the spread of avian influenza virus.

(2) A notice under paragraph (1) must be in writing and may be amended or revoked at any time.

(3) The Chief Veterinary Officer may in addition declare an avian influenza (restrictions on mammals) zone.

(4) Where an avian influenza (restrictions on mammals) zone has been declared, the Chief Veterinary Officer may impose such measures within that zone in addition to those set out in article 12, 58, 59, 60A or 61A as are considered necessary in order to control or monitor the spread of avian influenza virus”.

(37) After article 61 (measures to control the spread of avian influenza virus in mammals) and in the heading to that article, insert—

“Identification and restrictions at contact premises where mammals are kept

61A.—(1) A veterinary inspector must serve a notice in writing on the occupier of any premises where mammals are kept if he suspects that avian influenza virus—

(a) may have been carried there from other premises;

(b) may have been carried to other premises from there.

(2) A notice under paragraph (1) may contain such measures in Schedule 9 as are considered by a veterinary inspector to be necessary in order to reduce the risk of spread of avian influenza virus.

(3) Any premises in respect of which a notice is served under this article are contact premises for the purposes of the Order.”.

(38) In article 66 (cleansing, disinfection and treatment)—

(a) in paragraph (6)—

(i) after “avian influenza” insert “or influenza of avian origin”;

(ii) in sub-paragraph (a) after “keeping of” insert “mammals,”;

(iii) in sub-paragraph (b) after “bird” insert “kept”.

(b) in paragraph (7)—

(i) in sub-paragraph (a), for “the notice was served” substitute “of effective cleansing and disinfection”;

(ii) at the end of sub-paragraph (a), omit “or”;

(iii) at the end of sub-paragraph (b), insert “or”;

(iv) after sub-paragraph (b), insert—

“(c) cleansing and disinfection undertaken in accordance with paragraph (1) and (2) have been completed and in the case of cleansing and disinfection in accordance with paragraph (2) a further 3 months and 21 days from the date of completion of preliminary cleansing and disinfection have elapsed.”.

(39) In article 81(3) in sub-paragraphs (a) to (d) in each place where it occurs after “avian influenza” insert “virus”.

(40) In Schedule 1 (measures where avian influenza or avian influenza virus is suspected on premises)—

- (a) in paragraph (1) (record of poultry, other captive birds and mammals)—
 - (i) in sub-paragraph (c) after “avian influenza”, insert “or influenza of avian origin”;
 - (ii) in sub-paragraph (d) after “infected”, insert “with avian influenza or influenza of avian origin”;
- (b) in paragraph (4) (prohibition on the removal of other things liable to transmit avian influenza) after “avian influenza” insert “virus”;
- (c) in paragraph (9) (disinfection at entrances and exits) after “means of” insert “cleansing and”.

(41) In Schedule 2 (measures on premises where highly pathogenic avian influenza is confirmed)—

- (a) in paragraph (2) (measures to minimise the risk of spread of avian influenza to wild birds) after “avian influenza” insert “virus”;
- (b) in paragraph (4) (tracing), after “avian influenza” insert “virus”.

(42) In Schedule 3 (cleansing and disinfection of premises other than regulated places and of anything (including any vehicle) on those premises)—

- (a) in Part 2 (specific procedures for the cleansing and disinfecting of infected premises)—
 - (i) in paragraph 3 (cleansing and disinfection— timing) for “or other captive birds” substitute “, other captive birds or kept mammals”;
 - (ii) in paragraph 5 (preliminary cleansing and disinfection)—
 - (aa) after sub-paragraph (c)(iii) insert—

“(iv) such other parts of the premises as a veterinary inspector directs on the grounds that they might have been contaminated with avian influenza virus.”;
 - (bb) after sub-paragraph (e) insert—

“(f) the following parts of the infected premises must have disinfectant applied to them as soon as the killed or slaughtered mammals have been removed—

 - (i) parts where the mammals were housed;
 - (ii) parts where the mammals were slaughtered or killed;
 - (iii) parts contaminated during any post-mortem examination of mammals;
 - (iv) such other parts of the premises as a veterinary inspector directs on the grounds that they may have been contaminated with avian influenza virus.”.

(43) In Schedule 4 (measures in a protection zone)—

- (a) in paragraph (17A) omit “Until 16th April 2023,”.

(44) In Schedule 5 (measures in a surveillance zone)—

- (a) in paragraph (17C) (requirements for the movement of premises in the zone to a designated slaughterhouse), omit “Until 16th April 2023,”.

(45) In Schedule 6 (measures when low pathogenic avian influenza is confirmed)—

- (a) in Part 1 (measures on premises where low pathogenic avian influenza is confirmed)—
 - (i) in paragraph (1) (record of poultry, other captive birds and mammals)—
 - (aa) in sub-paragraph (c) after “avian influenza” insert “or influenza of avian origin”;
 - (bb) in sub-paragraph (d) after “infected” insert “with avian influenza or influenza of avian origin”;
 - (ii) in paragraph 11 (tracing) after “avian influenza” insert “virus”.

(46) After Schedule 8 insert—

“SCHEDULE 9 Articles 9(5), 10(2), 11(4),
12(2), 13, 41(1), 60A and 61A(2)

Measures where influenza of avian origin is suspected in kept mammals

Record of kept mammals

1.—(1) The occupier of any premises where mammals are kept in which the presence of avian influenza virus is suspected must make and maintain on a daily basis a record of the number of all kept mammals on the premises.

(2) A record made under paragraph (1) must include the number or approximate number of mammals which —

- (i) are alive;
- (ii) have died on the premises;
- (iii) show clinical signs of influenza of avian origin;
- (iv) have been born on the premises.

Housing or isolation of mammals

2. The occupier of premises where mammals are kept must, in accordance with the instructions of a veterinary inspector—

- (a) ensure that all mammals are kept separately to or isolated from—
 - (i) any poultry or captive birds on the premises; and
 - (ii) each other;
- (b) take all reasonable steps to minimise any contact on the premises with wild mammals or wild birds.

Prohibition on the movement of mammals to and from the premises

3. No person shall move any kept mammal to or from suspect, infected or contact premises unless the movement is licensed by a veterinary inspector.

Prohibition on the removal of other things liable to transmit avian influenza virus

4. No person may remove from the premises any carcass, material waste, droppings, slurry, used litter, manure, germinal products or anything else liable to transmit avian influenza virus unless—

- (a) he is licensed by a veterinary inspector to do so; and
- (b) he observes such biosecurity measures as are directed by a veterinary inspector in order to prevent the risk of spread of disease.

Prohibition on the movement of people, equipment and vehicles to and from the premises

5. No person may enter or leave the premises and no person may move any vehicle, equipment or utensils to or from the premises unless the movement is licensed by a veterinary inspector or an inspector under the direction of a veterinary inspector.

Cleansing and disinfection at entrances and exits of premises where mammals are kept

6. The occupier must in accordance with the instructions of a veterinary inspector, provide and maintain the means of cleansing and disinfection at the entrances and exits of the premises and of the buildings housing mammals.

SCHEDULE 10

Article 60A

Measures on premises where influenza of avian origin is confirmed

Killing and seizure

1. The occupier of infected premises must give all reasonable assistance to any person exercising a duty under section 28 or 32 of the Act.

Measures to minimise the risk of spread of avian influenza virus to birds or mammals

2. The occupier of infected premises must take such reasonable action as a veterinary inspector may direct in order to reduce the risk of spread of avian influenza virus to—

- (a) poultry;
- (b) other captive birds;
- (c) wild birds;
- (d) kept mammals;
- (e) wild mammals.

Disposal of carcasses

3. The occupier of infected or contact premises must ensure that all carcasses not seized or disposed of by a veterinary inspector are disposed of in accordance with the instructions of a veterinary inspector.

Tracings

4. The occupier of infected or contact premises must give all reasonable assistance to a veterinary inspector in the tracing of anything liable to transmit avian influenza virus to or from the premises.

Cleansing and disinfection

5. The occupier must cleanse and disinfect the infected premises in accordance with article 66 of and Schedule 3 to this Order.

Restocking

6. The occupier must not restock the premises with poultry, other captive birds or kept mammals unless—

- (a) cleansing and disinfection have taken place in accordance with paragraph 5; and
- (b) a licence to restock the premises has been issued by a veterinary inspector.”.

Amendments to the Bluetongue Regulations 2008

- 5.—(1) The Bluetongue Regulations 2008(a) are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in the definition of “animal”, for the words “(and for the purposes” to the end substitute “or a camelid;”;
 - (b) after the definition of “animal” insert—

““border control post” means a place designated by the competent authority for the performance of official controls under 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 (b);”;
 - (c) after the definition of “border control post” insert—

““carcase” means the carcase of an animal;”;
 - (d) after the definition of “control zone” insert—

““germinal product” means the embryo, ovum or semen of an animal;”;
 - (e) in the definition of “premises” for “place” substitute “any land, building or other place;”;
 - (f) after the definition of “premises” insert—

““regulated place” means a slaughterhouse or border control post;”.
- (3) In regulation 7 (premises straddling zones)—
- (a) in paragraph (4)(c), for “the restricted zone” substitute “the temporary control zone”.
- (4) In regulation 9 (suspected or infected premises)—
- (a) in sub-paragraph (1)(a) at the end, insert “except in accordance with a licence issued by a veterinary inspector under paragraph (4)”;
 - (b) after paragraph (3) insert—

“(4) Movements otherwise prohibited under paragraph (1) may be authorised by a licence issued by a veterinary inspector.”.
- (5) In regulation 10 (temporary control zones)—
- (a) in paragraph (4) after “animal” insert “or germinal product”;
 - (b) omit paragraph (5).
- (6) In regulation (11) (confirmation of bluetongue on premises)—
- (a) the existing text becomes paragraph (1);
 - (b) omit paragraph (b) and the “and” before it;
 - (c) after paragraph (1) (as renumbered), insert—

“(2) A notice under paragraph (1) may notify the occupier that (notwithstanding regulation 8) it is unnecessary to notify any further suspected cases of bluetongue on the premises to a veterinary inspector.”.
- (7) In regulation (12) (measures on confirmation of the bluetongue virus)—
- (a) in paragraph (3)—
 - (i) after “animal” insert “or germinal product”;
 - (ii) after “zone” insert “except in accordance with a licence issued by a veterinary inspector”.
- (8) After regulation 12 (measures on confirmation of the bluetongue virus) insert—

(a) S.I. 2008/962; relevant amendments are made by S.I. 1212/1977.

(b) Regulation (EU) 2017/625.

“Power to slaughter animals

12A.—(1) Section 32 of the Animal Health Act 1981 (which relates to slaughter and compensation) applies to animals slaughtered under these Regulations.”.

(9) In regulation 13(restrictions in protection and surveillance zones)—

(a) in paragraph (4)—

- (i) for “An inspector must” substitute “An inspector may”;
- (ii) omit “as amended from time to time”.

(10) In regulation 14 (slaughterhouse), in paragraph (1) for “transported out of a restricted zone” substitute “moved in accordance with these Regulations”.

(11) For regulation 15 (subsequent movement of animals) substitute—

“Movement of animals or other things

15.—(1) Following the movement of an animal or germinal product from a premises within a temporary control zone, control zone or restricted zone, a veterinary inspector may by notice served on the occupier of premises to which the animal or germinal product has been moved—

- (a) prohibit the movement of that animal or germinal product off the premises to which the animal or germinal product has been moved;
- (b) prohibit the movement of any other animal or germinal product on to or off such premises;
- (c) specify such requirements as are considered by a veterinary inspector to be necessary in order to prevent the spread of disease.

(2) A movement prohibited by a notice under paragraph (1) may be authorised under a licence issued by an inspector.”.

(12) In regulation 20 (powers of veterinary inspectors, officers and inspectors) paragraph(5)(a) for “isolate of” substitute “isolate or”.

Amendment to the Bluetongue (Compensation) Order 2007

6.—(1) The Bluetongue (Compensation) Order 2007(a) is amended as follows.

(2) In article (2)—

- (a) in paragraph (1) omit “as applied to bluetongue by article 13 of the Bluetongue Order 2003.”;
- (b) in paragraph (3) after “ruminating animal” insert “or camelid”.

Revocations

7. The Bluetongue (No. 2) Order 2007(b) is revoked, so far as not previously revoked.

19th December 2023

Benyon
Minister of State
Department for Environment, Food and Rural Affairs

(a) S.I. 2007/2996.
(b) S.I. 2007/3304.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies to England only, extends the definition of “disease” in the Animal Health Act 1981 to include transmissible spongiform encephalopathy and African swine fever (article 2). It also amends a number of instruments relating to foot-and-mouth disease, avian influenza and bluetongue.

Article 3 clarifies the Foot-and-Mouth Disease (England) Order 2006 (S.I. 2006/182) in relation to alert exercises (simulations of an emergency situation to test contingency plans).

Article 4 amends the Avian Influenza and Influenza of Avian Origin in Mammals (England) (No.2) Order 2006 (S.I. 2006/2702). These amendments—

- (a) amend certain definitions;
- (b) provide for surveillance to detect avian influenza in kept mammals;
- (c) extend the requirement to report suspicion of avian influenza in mammals to include keepers of mammals;
- (d) require any person who detects avian influenza virus or antibodies to this virus in wild birds to notify the competent authorities;
- (e) extend the requirement for an inspector to serve notice on the occupier of premises where influenza of avian origin is suspected so that it applies whether or not poultry or other captive birds are also present on those premises;
- (f) extend the provisions of article 16 to apply to kept mammals;
- (g) update a reference to the newly renamed UK Genetics for Livestock and Equines Committee (UKGLE);
- (h) replace references to “border inspection posts” with “border control posts” and extend the provisions of article 41 to apply to kept mammals;
- (i) replace and extend articles 58, 59, 60A and 61A to restrict activities on premises where mammals are kept and influenza of avian origin is suspected or confirmed and apply measures to control the spread of avian influenza virus in mammals regardless of whether or not poultry or other captive birds are also present on those premises;
- (j) amend schedules 4 and 5 to remove time limits on provisions permitting visual inspections to be conducted remotely in certain circumstances;
- (k) insert two new Schedules; Schedule 9 setting out measures which apply where influenza of avian origin is suspected in kept mammals and Schedule 10 setting out measures where apply where influenza of avian origin is confirmed.

Article 5 amends the Bluetongue Regulations 2008 (S.I. 2008/962). These amendments add and clarify certain definitions; provide for premises which straddle a restricted zone and a temporary control zone to be treated as being entirely within a temporary control zone; extend the prohibition on the movement of animals in a temporary control zones to include germinal products and restates the power to prohibit the movement of animals or germinal products from a premises to which an animal or germinal product has been moved onto from premises within a zone, and the power to licence such movements.

Article 6 amends the Bluetongue (Compensation) Order 2007 (S.I. 2007/2996) by removing a reference to a provision which is revoked.

Article 7 revokes the Bluetongue (No. 2) Order 2007 (S.I. 2007/3304) so far as not previously revoked by the Bluetongue Regulations 2008 (S.I. 2008/962), its sole remaining provision being consolidated into those Regulations by article 5 of this Order.

No impact assessment has been produced for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen.

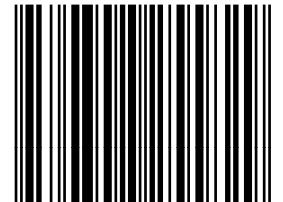
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