
WELSH STATUTORY INSTRUMENTS

2001 No. 1509 (W. 106)

**ANIMALS, WALES
ANIMAL HEALTH**

**The Foot-and-Mouth Disease
(Amendment)(Wales)(No.6) Order 2001**

<i>Made at</i>	-	-	-	-	<i>1pm on 21st April</i>
					<i>2001</i>
<i>Coming into force</i>	-	-			<i>5pm on 21st April</i>
					<i>2001</i>

The National Assembly for Wales and the Minister of Agriculture, Fisheries and Food, acting jointly in exercise of the powers conferred on them by sections 1, 7, 8, 15(4), 17(1), 23, 25 38(1) and 83(2) of the Animal Health Act 1981⁽¹⁾ and of all other powers enabling them in that behalf, make the following Order:

Title, application and commencement

1. This Order may be cited as the Foot-and-Mouth Disease (Amendment) (Wales) (No. 6) Order 2001; it applies to Wales and shall come into force at 5pm on 21st April 2001.

Amendment to the Foot-and-Mouth Disease Order 1983

2.—(1) The Foot-and-Mouth Disease Order 1983⁽²⁾ in so far it applies to Wales, is amended in accordance with the following provisions of this article.

(2) Articles 18 to 29 are replaced by Schedule 1 to this Order.

(3) After article 34 there shall be inserted—

(1) 1981 c. 22. See section 86(1) for the definitions of “the Ministers” and “the Minister”. Functions of “the Ministers”, so far as exercisable by the Secretary of State for Scotland in relation to Wales, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). Functions of “the Ministers”, so far as exercisable by the Secretary of State for Wales in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(2) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and, as regards Wales, S.I. 2001/572 (W.26), S.I. 2001/658 (W.33), S.I. 2001/968 (W.46), S. I. 2001/1033 (W.47) (itself amended by S.I. 2001/1234 (W.67)) and S. I. 2001/1406 (W.93).

“Animals on common land

34A. The owner or person in charge of any animal on common or unenclosed land shall not move the animal from that land unless instructed to do so by a notice from a veterinary inspector.”.

(4) Schedule 2 to this Order is added after Schedule 5 to the 1983 Order.

(5) In article 3 “(4)” shall be substituted for “(5)”.

Transitional provisions

3.—(1) Declaratory Orders made under Part III of the 1983 Order before this Order comes into force shall have effect so that the provisions of Part III of the 1983 Order as amended by this Order apply in those areas instead of the provisions specified in article 2 of and Schedule 2 to the Declaratory Orders.

(2) Licences under regulation 18(4) of the amended Order shall not permit any movement before 23 April 2001.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998**(3)**

at 1pm on 21st April 2001

D. Elis Thomas
The Presiding Officer of the National Assembly

Signed at 12.45pm on 21st April 2001

Helene Hayman
Minister of State Ministry of Agriculture,
Fisheries and Food

SCHEDULE 1

Article 2(2)

Movement Of Animals

18.—(1) No person shall move animals from the premises on which the animals are kept except under the authority of a licence issued by the Minister or an inspector.

(2) No person shall move animals on public or private roads (other than the service roads of premises) except under the authority of a licence issued by the Minister or an inspector.

(3) No person shall transport animals through the infected area except if the animals are transiting through that area by motorway, trunk road or railway.

(4) An inspector may, by licence issued in the form set out in Schedule 6 to this Order, permit, for the purposes of slaughter, the movement within an infected area of—

(a) animals direct to a slaughterhouse approved by the Minister to slaughter animals moved by licence issued under this article; and

(b) sheep or cattle to a collecting centre, licensed by the local authority under article 35, for onward movement direct to a slaughterhouse approved under paragraph (a) above.

(5) A veterinary inspector may, by licence, permit, for the purposes of slaughter, the movement out of an infected area of animals direct to a slaughterhouse approved by the Minister to slaughter animals moved by licence issued under this article.

(6) For the purposes of this article, licences or approvals issued in Scotland or England operate as if granted in Wales.

(7) Where an animal is moved to a slaughterhouse under this article, the occupier of the slaughterhouse shall ensure that the animal is slaughtered at those premises in accordance with any condition relating to slaughter specified in the licence and in any event within 24 hours of arrival there.

(8) The person in charge of the vehicle in which animals are moved under this article shall ensure that it is thoroughly cleansed and disinfected in accordance with the requirements of paragraph 3 of Schedule 2 to this Order as soon as possible after the animals have been unloaded and, in any case, before the vehicle is moved from the delivery premises.

(9) The occupier of premises to which animals are moved under this article shall—

(a) ensure that he or she or his or her representative is given the licence under which they have been moved before allowing the animals to be unloaded from the vehicle on which they have been transported;

(b) forward that licence without delay to the local authority responsible for the area in which those premises are situated and, in the case of a slaughterhouse, provide a copy to the official veterinary surgeon appointed for those premises;

(c) retain a copy of that licence for a period of 6 months and produce it upon request for inspection by an inspector;

(d) provide adequate facilities, equipment and materials for the cleansing and disinfection in accordance with this article of the vehicle that delivered the animals to the premises; and

(e) in the case of a collecting centre, ensure that sheep are marked or tagged so as to enable the identity of the collecting centre and the farm from which they were moved to be established throughout their onward movement to a slaughterhouse.

Breeding

19.—(1) No person shall seek to carry out breeding of animals by means of itinerant service.

(2) Artificial insemination shall not be carried out except—

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- (a) by the occupier of the premises or one of his employees using semen which is on the farm at the time the declaratory Order is made or is delivered directly to the farm, or
 - (b) under the authority of a licence issued by a veterinary inspector.
- (3) No person shall move any embryo, ova or semen into, out of or within an infected area except under a licence issued by a veterinary inspector.

Control of products from slaughterhouses and knacker's yards

20.—(1) No person shall move any carcase or animal product (unless intended for human consumption) or any manure, slurry or litter, out of a slaughterhouse or knacker's yard except—

- (a) under the authority of a licence granted by the Minister; or
- (b) for disposal under the Animal By-Products Order 1999⁽⁴⁾, the Specified Risk Material Order 1997⁽⁵⁾ or the Specified Risk Material Regulations 1997⁽⁶⁾.

(2) Anything moved under paragraph 1(a) above shall be moved in a drip-proof container or vehicle, and the owner or person in charge of that container or vehicle shall, as soon as possible after unloading, and in any case before it is used again, cleanse and disinfect it.

(3) No person shall move anything under this paragraph to premises on which there is an animal and any person moving or receiving anything under this paragraph and the occupier of the premises to which it is moved shall ensure that it is not brought into contact with, or fed to, any animal.

Control of carcasses

21. No person shall move any carcase (other than the carcase of an animal slaughtered for human consumption or a suspect BSE or scrapie carcase destined for disposal) from premises other than a slaughterhouse or knacker's yard, except under the authority of a licence issued by the Minister.

Disposal of manure, slurry, and litter

22.—(1) No person shall—

- (a) move any manure, slurry or litter out of an infected area;
- (b) discharge any slurry produced in an infected area by means of equipment which produces a jet or spray of liquid, unless the discharge point of the jet or spray is—
 - (i) directed downwards at an angle of not less than 45° from horizontal; and
 - (ii) not more than 1 metre above ground level;
- (c) move any manure, slurry or litter in a manner likely to cause spillage—
 - (i) on a highway; or
 - (ii) on any premises other than the premises on which that manure, slurry or litter was produced; or
- (d) permit any animal to come into contact with any manure, slurry or litter produced on premises in an infected area, other than at the premises on which the animal is kept.

(2) The owner or person in charge of any container or vehicle used to carry manure, slurry or litter in an infected area shall cleanse and disinfect the outside surface and wheels of that container or vehicle immediately before and immediately after each occasion on which it is so used except when it is used on the premises on which that manure, slurry or litter was produced.

⁽⁴⁾ S.I. 1999/646.

⁽⁵⁾ S.I. 1997/2964 as amended by S.I. 2000/2811 and S.I. 2000/3387 (W.224).

⁽⁶⁾ S.I. 1997/2965 as amended by S.I. 1997/3062, S.I. 1998/2045 itself amended by S.I. 1998/2431, S.I. 1999/539, S.I. 2000/656, S.I. 2000/2659 (W.172) and S.I. 2000/3387 (W.224).

Control of milk produced in an infected area

23.—(1) Subject to paragraph (2) below no person shall feed to any animal any milk produced in an infected area, or any washings from a container which has held any such milk, except milk or container washings produced on the premises where the animal is kept.

(2) Sub-paragraph (1) shall not apply if—

(a) before being moved on to the premises the milk or washings are treated in accordance with the requirements of paragraph (3); and

(b) after being so treated the milk or washings—

(i) are kept separate at all times from other milk and washings not so treated, and

(ii) are kept in containers which have first been cleansed and disinfected.

(3) The requirements referred to in sub-paragraph (2) are that the milk or washings must be—

(a) heated to a temperature of 76.66 ° C, and held at that temperature for at least 5 seconds;

(b) heated to a temperature of 72 ° C, and held at that temperature for at least one minute;

(c) heated to a temperature of 65 ° C, and held at that temperature for at least 2 minutes;

(d) heated to a temperature of 60 ° C, and held at that temperature for at least 30 minutes;

(e) heated to such temperature as may be specified in writing by a veterinary inspector, and held at that temperature for such period as may be so specified; or

(f) in the case of whey only, held at a temperature of not less than 10°C for a period of at least 24 hours.

(4) No person shall sell or dispose of milk produced in an infected area (except by way of retail sale or disposal as waste), unless that sale or disposal is accompanied by a declaration signed by him and stating—

(a) that the milk was produced in an infected area; and

(b) whether or not it has been treated in accordance with the requirements of paragraph (3).

(5) Any person disposing of milk produced in an infected area as waste shall ensure that it does not come into contact with any animal.

(6) No person shall use a tanker vehicle for the collection of milk from farms in an infected area unless an air filter of a type approved by the Minister has been fitted to the air outlet of the tank.

(7) For the purposes of this paragraph “milk” does not include cream.

Animals on common land

24. The owner or person in charge of any animal on common or unenclosed land shall not move the animal from that land unless instructed to do so by a notice from a veterinary inspector.

Straying animals

25.—(1) The owner or person in charge of an animal shall take all such steps as may be necessary to prevent it from straying from the premises on which it is kept.

(2) If an inspector finds a stray or feral animal, he may detain it and if he cannot ascertain the owner after reasonable enquiries, he may destroy it.

Control of dogs and poultry in an infected area

26.—(1) It shall be the duty of the owner of any dog to ensure that (except when it is in a dwellinghouse) it is kept under proper control by being—

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- (a) confined in a kennel or other enclosure from which it cannot escape;
- (b) effectively secured to some fixed object by a collar and chain; or
- (c) accompanied by, and under the effectual control of, the owner or some responsible person authorised by him for the purpose.

(2) Any dog which is not kept under control in accordance with the provisions of this paragraph may be seized by the local authority or by the police, and dealt with in the same manner as a stray dog seized under the powers conferred by section 3 of the Dogs Act 1906.

(3) An inspector may, by notice served on the occupier of any premises on which any dog or poultry is kept, require him to keep such dog or poultry under such control as may be specified in the notice, or to confine that dog or poultry to the part of the premises specified in the licence.

Precautions to be taken by persons clipping or dipping sheep in infected area

27. No person shall clip or dip sheep in an infected area except under a licence issued by a veterinary inspector.

Power to close footpaths and to prevent entry on to premises

28.—(1) Subject to paragraph (2) below, an inspector may, notwithstanding the existence of any right of way, prohibit the entry of any person onto any land, or into any agricultural building, by displaying, or causing to be so displayed, a notice to that effect at every entrance to that land or building.

(2) No person shall enter any land or building in respect of which a notice is displayed under paragraph (1) above, other than—

- (a) the owner of any animal on that land or in that building, or a person authorised by him, who enters for the purpose of tending that animal; or
- (b) a person entering that land or building under the authority of a licence granted by an inspector.

(3) A notice under paragraph (1) above shall only be removed in accordance with the written instructions of an inspector.

Cleansing and disinfection of certain premises

29. The occupier of a collecting centre, slaughterhouse or knacker's yard shall cleanse and disinfect the premises as soon as practicable after it has been emptied of animals and in any event before any animal, fodder, litter or thing is moved there again, at his own expense and in accordance with the provisions of paragraphs 1 and 2 of Schedule 2 to this Order together with any additional requirements notified by an inspector.

Prohibition of certain sporting and recreational activities

29A.—(1) The following activities are prohibited —

- (a) hunting, hawking and stalking (other than culling deer under the authority of a licence of the Minister);
- (b) point-to-point meetings;
- (c) shooting game or other wildlife; and
- (d) racing or coursing, or training for racing or coursing, of any hounds or dogs, other than the racing or training of greyhounds on a track which is a licensed track for the purposes

of the Betting, Gaming and Lotteries Act 1963, or the training of greyhounds for racing at kennels licensed by the National Greyhound Racing Club.

(2) Nothing in paragraph (1) shall make it unlawful for the occupier of any land, or for a member of a shooting party consisting of not more than three persons who are members of the occupier's household or persons employed by him or beaters, to shoot or attempt to shoot any game or other wildlife or any marauding deer found on that land.

(3) If a veterinary inspector is of the opinion that holding any sporting or recreational activity may cause the spread of disease he may prohibit it by serving a notice on the person responsible for the activity.

Markets, fairs, shows or other gatherings of animals

29B. No person shall use any premises for a fair, market, show or other gathering of animals, or collect or distribute animals for such an event.

SCHEDULE 2

Article 2(4)

“SCHEDULE 6

LICENCE FOR THE MOVEMENT OF ANIMALS TO SLAUGHTER

ANIMAL HEALTH ACT 1981FOOT-AND-MOUTH DISEASE ORDER 1983LICENCE FOR THE MOVEMENT OF ANIMALS WITHIN AN INFECTED AREA FOR SLAUGHTERNotice of devolution issue under Schedule 10 to the Northern Ireland Act 1998

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART I

I, the undersigned,

being an *Inspector of the Local Authority for the of
 *Inspector of the Ministry of Agriculture, Fisheries and Food
 (*delete as appropriate)

by this licence granted under the above Order hereby authorise the movement of the animals described in column 2 below to the place of destination specified in column 4 below, subject to the conditions set out below.

1	2	3	4
		FROM	TO
Name and address of the person to whom this licence is granted	is hereby licensed to move (number and description of animals to be moved)	(Full address of premises from which the animals are to be moved (if different from 1))	(Full address of premises to which the animals are to be moved)

Specified Route

.....

The animals to which this licence relates must be slaughtered within hours (*specify (1)*) of arrival there.

This licence is granted subject to the conditions set out below. Failure to comply with such conditions may render a person liable to prosecution and heavy penalties on conviction. Your attention is also drawn to the Notes below.

Part III of this licence must be completed within days (*specify (2)*) including the day of issue.

This licence may be revoked at any time by a Notice served by an Inspector on the person to whom it was issued

(1) The time specified here shall be less than 24 hours.

(2) The number of days specified here is to be no more than 5.

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	<p>Signed</p> <p>Dated</p> <p>Official Address</p>
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CONDITIONS OF LICENCE

1. Before being moved, animals to which this licence relates shall be marked as follows:-

	<p>CATTLE (including water buffalo and bison)-A broad arrow, 15 cm long, clipped on left hindquarter, and hair clipped off end of tail.</p> <p>SHEEP AND GOATS-A single red stripe, 30 cm long and 2 cm wide, painted with adhesive composition, or in such manner that it will remain legible for the entire length of the journey, down the centre of the sheep's back.</p> <p>PIGS AND WILD BOAR A single red stripe, 30 cm long and 2 cm wide, painted with adhesive composition, or in such manner that it will remain legible for the entire length of the journey, down the centre of the pig's back.</p> <p>DEER - A single red stripe, 60cm long and at least 5 cm wide, painted with adhesive composition, or in such manner that it will remain legible for the entire length of the journey, down the centre of the back.</p>
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2. A veterinary inspection must be carried out by a Local Veterinary Inspector (LVI) not more than 24 hours prior to the start of the licensed movement. The LVI will inspect all the animals to be moved (which must be marked as at Condition 1) and those in contact with them as well as other susceptible animals, other than those on remote grazings, for signs of Foot-and-Mouth Disease. The LVI must complete a written declaration at Part II of the licence.
3. Where no time period is specified for the completion of this licence, it shall be completed within 5 days or such shorter period as may be specified by an inspector.
4. Where no time limit is specified for the slaughter of the animals, they shall be slaughtered within 24 hours of arrival at the slaughterhouse or such shorter period as may be specified by an inspector.
5. The animals to which this licence relates shall-
 - (a) while being moved, be kept separate from any animal not being moved under this licence;
 - (b) be moved by the most direct route available to the place of destination specified in the licence only;
 - (c) be moved so as not to leave the Infected Area (a specified route must be inserted overleaf). The route taken and the place of destination chosen must not be such as to require a scheduled stop; and
 - (d) be accompanied throughout their movement by this licence which shall be handed to the occupier of the premises to which they are delivered (or his representative) before the animals are unloaded.
6. The Declarations in Part III of this licence shall be completed on the day the animals are moved but before the animals leave the premises.
7. Where an animal is moved to a slaughterhouse under the authority of a licence granted by an inspector, it shall be slaughtered there in accordance with any condition relating to slaughter specified in this licence.
8. The vehicle transporting the animals to the slaughterhouse or collecting centre shall be thoroughly cleaned and disinfected before leaving those premises in accordance with the requirements of Schedule 2 to the Foot-and-Mouth Disease Order 1983.

NOTE:

Any person involved in the movement or slaughter of animals under Part III of the Foot-and-Mouth Disease Order 1983 (as amended) must comply with any provisions of the following legislation applicable to them.

- The Transit of Animals Order 1927 (as amended)
- The Transit of Animals (Road and Rail) Order 1975
- The Welfare of Animals (Transport) Order 1997 (as amended)
- The Welfare of Livestock Regulations 1994
- The Disease of Animals (Approved Disinfectants) Order 1978 (as amended)
- The Cattle Identification Regulations 1998 (as amended)
- The Bovine Animals (Records, Identification and Movement) Order 1995 (as amended)
- The Cattle Identification of Older Animals (Wales) Regulations 2001
- The Pigs Records, Identification and Movement Order 1995 (as amended)
- The Sheep and Goats Identification (Wales) Regulations 2000
- The Sheep and Goats (Records, Identification and Movement) Order 1996.

This licence shall be produced on demand to an inspector or other officer of the Ministry or local authority or to a constable, who may take a copy thereof or an extract there from, and may also require the person in charge of the animals to which this licence relates to furnish his name and address.

THIS LICENCE IS VALID FOR A PERIOD OF 5 DAYS FROM THE DATE OF ISSUE (OR SUCH SHORTER PERIOD AS MAY BE SPECIFIED BY AN INSPECTOR). HOWEVER, IT CANNOT BE USED UNTIL THE OWNER/ KEEPER DECLARATION HAS BEEN SIGNED AND THE MOVEMENT MUST BE COMPLETED ON THE DAY THE DECLARATION IS SIGNED

FAILURE TO COMPLY WITH ANY OF THESE PROVISIONS MAY RENDER A PERSON LIABLE TO PROSECUTION AND HEAVY PENALTIES ON CONVICTION.

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PART II DECLARATION BY A LOCAL VETERINARY INSPECTOR

Name and address of owner/keeper:

Premises where animals are located:

I have inspected the animals to be moved under this licence, those in contact with them and all other susceptible animals on the holding, with the exception of remote grazings, they show no clinical signs of Foot-and-Mouth disease and those to be moved are fit for the intended journey.

Official stamp:

Signed.....RCVS

Print Name.....

Local Veterinary Inspector

Date of inspection...../.....

Time of inspection.....

PART III OWNER/ KEEPER DECLARATION

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(This Part must be completed by the owner or keeper of the animals on the day they are to be moved but before they leave the premises on which they are kept)

I.....(full name of owner or keeper of animals to be moved)

of.....(address of owner or keeper)

declare that

1. The movement will begin no later than 24 hours from the certification at Part II of the licence.
2. I have made arrangements with the *licensed collecting centre/ approved slaughterhouse (*delete as appropriate*) for the animals to be received there today, theday of.....2001.
3. (*Other than for collecting centres*) The last date on which any animals were moved on to the premises from which the animals to be moved under this licence are kept was.....(*insert date*)

Signed.....

Print Name.....

(Owner/keeper) (*delete as appropriate).

Dated...../....."

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order further amends the Foot-and-Mouth Disease Order 1983 as it applies in Wales. It replaces the provisions in Part III of the 1983 Order which specify the restrictions that apply in infected areas declared by order of the Minister of Agriculture, Fisheries and Food ("MAFF").

The provisions set out in Schedule 1 to this Order replace articles 18 to 29 of the 1983 Order (article 2(2)). The new articles deal with the following matters:—

- restrictions on the movement of animals (article 18);
- restrictions on breeding (article 19);
- control of products from slaughterhouses and knacker's yards (article 20);
- control of carcasses (article 21);
- disposal of manure, slurry and litter (article 22);
- control of milk produced in an infected area (article 23);
- restrictions on the movement of animals on common land (article 24);
- straying animals (article 25)
- precautions to be taken by persons clipping or dipping sheep in infected areas (article 25);

- power of local authority and MAFF inspectors to close footpaths and prevent entry onto premises (article 28);
- cleansing and disinfection of premises (article 29);
- prohibition of sporting and recreational activities (article 29A); and
- restrictions on markets, fairs, shows or other gatherings of animals (article 29B);

The main effect of the amendment is to simplify the provisions previously in force. The principal changes are:

- introduction of form of licence for the movement of animals to slaughter (Schedule 2, inserting new Schedule 6 into the 1983 Order);
- introduction of requirement on owners or persons in charge of animals in both infected and controlled areas not to move animals from common land unless instructed to do so by a local authority or MAFF inspector (article 2(3), inserting new article 34A and Schedule 1, inserting new article 24 into the 1983 Order); and
- introduction of power for local authority or MAFF inspector to detain stray animals and to destroy them if the owners cannot be found (Schedule1 inserting new article 25 into the 1983 Order).

The Order also amends all Declaratory Orders made under Part III of the 1983 Order before this Order comes into force so that the new provisions set out in Schedule 1 to this order apply in those areas instead of the equivalent provisions set out in the Declaratory Orders.

A Regulatory Appraisal has not been prepared for this Order