WELSH STATUTORY INSTRUMENTS

2009 No. 2614 (W.212)

ANIMALS, WALES

The Tuberculosis Eradication (Wales) Order 2009

Made - - - -	*28 September 2009*
Laid before the National Assembly for Wales - -	*30 September 2009*
Coming into force - -	*21 October 2009*

The Welsh Ministers—

being satisfied that tuberculosis exists among the wild members of the badger species in Wales which has been or is being transmitted from badgers to animals of any kind in the area;

being satisfied that destruction of wild members of the badger species in that area is necessary in order to eliminate or substantially reduce the incidence of tuberculosis in animals of any kind in the area; and

after consultation with the Countryside Council for Wales in accordance with section 21(3) of the Animal Health Act 1981(**1**),

in exercise of the powers conferred by sections 1, 21(2), (4) and (5), 72 and 86(1) of the Animal Health Act 1981(**2**), make the following Order:

Title, commencement and interpretation

1.—(1) The title of this Order is the Tuberculosis Eradication (Wales) Order 2009 and it comes into force on 21 October 2009.

(2) In this Order—

"the Act" ("*y Ddeddf*") means the Animal Health Act 1981;

"authorised officer" ("*swyddog awdurdodedig*") means—

(a) an officer of the Welsh Assembly Government;

(b) a veterinary inspector; and

(c) any person, who, not being such an officer or inspector, is authorised by the Welsh Ministers to exercise the power conferred by this Order.

(**1**) 1981 c. 22.

(**2**) Section 86(1) is cited for the meaning given to "the Minister". Functions under the Act are exercisable by the Welsh Ministers (in relation to Wales), by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672); the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044); and section 162 of and paragraph 30 of schedule 11 to the Government of Wales Act 2006 (c. 32).

"badger" ("*mochyn daear*") means an animal belonging to the species Meles meles of the order Carnivore; and

"carcase" ("*carcas*") includes part of a carcase.

Application of Order for the purposes of section 21 of the Animal Health Act 1981

2. For the purposes of section 21 (destruction of wildlife) of the Animal Health Act 1981 this Order–

(a) applies to Wales;

(b) applies to tuberculosis; and

(c) relates to the species of badger.

Destruction of badgers

3.—(1) The authorised officer may destroy badgers using one of the methods set out in paragraph (2).

(2) The badgers must be—

(a) trapped in a cage and either—

(i) shot; or

(ii) given a lethal injection; or

(b) shot without being trapped in a cage.

(3) The carcase of any badger destroyed under this Order is the property of the Welsh Ministers and must not be removed from the land or premises on which it was destroyed or in any way disposed of without the authority of the Welsh Ministers.

Vaccination of badgers

4. An authorised officer may treat badgers with vaccine for the purpose of preventing the spread of tuberculosis.

Powers of entry

5.—(1) An authorised officer may enter any premises, except a dwelling house, for the purpose of treating badgers with vaccine.

(2) The powers conferred by this article and by section 22 of the Act (powers of entry for s.21) extend to the taking of any action which is necessary to, or is otherwise required in connection with–

(a) treating badgers with vaccine; or

(b) destroying badgers.

(3) The authorised officer may take with him or her–

(a) such other persons as he or she thinks necessary to give such assistance as he or she thinks necessary;

(b) such equipment as he or she thinks necessary.

(4) The authorised officer may require any person on the land or premises who falls within paragraph (5) to give such assistance as may reasonably be required for the purpose of vaccinating badgers.

(5) The following persons fall within this paragraph–

(a) the occupier of the land or premises;