Changes to legislation: *The Bluetongue (Wales) Regulations 2008 is up to date with all changes known to be in force on or before 11 July 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2008 No. 1090 (W.116)

ANIMALS, WALES

ANIMAL HEALTH

The Bluetongue (Wales) Regulations 2008

Made - - - -	*16 April 2008*
Laid before the National Assembly for Wales 2008	*17 April 2008*
Coming into force - -	*26 April 2008*

The Welsh Ministers are designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to the common agricultural policy of the European Community.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for the reference to Commission Regulation (EC) No. 1266/2007 (on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain species of susceptible animals in relation to bluetongue [F3]) to be construed as a reference to that Regulation as amended from time to time.

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972 and paragraph 1A of Schedule 2 to that Ac [F4]).

F1 S.I. 2005/2766. By virtue of sections 59(1) and 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006, functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers.

F2 1972 c. 68.

F3 OJ No L283, 27.10.2007, p 37.

F4 Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

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PART 1

Introduction

Title, application and commencement

1. The title of these Regulations is the Bluetongue (Wales) Regulations 2008; they apply in relation to Wales come into force on 26 April 2008.

Interpretation

2.—(1) In these Regulations—

"animal" ("*anifail*") means a ruminating animal (and for the purposes of these Regulations all camelids are considered to be ruminating animals) and "carcase" ("*carcas*"), "embryo" ("*embryo*"), "ovum" ("*ofwm*") and "semen" ("semen") mean the carcase, embryo, ovum and semen of such an animal;

"control zone" ("*parth rheoli*") means a zone referred to in regulation 12;

[[F5]"inactivated vaccines" ("*brechlynnau anweithredol*") means vaccines that are not live attenuated vaccines;**]**

"infected premises" ("*mangre heintiedig*") means premises on which the existence of bluetongue has been confirmed;

"inspector" ("*arolygydd*") means an inspector appointed as such by the Welsh Ministers or a local authority for the purpose of these Regulations and, unless the context otherwise requires, includes a veterinary inspector;

[[F5]"live attenuated vaccines" ("*brechlynnau byw a wanhawyd*") means vaccines which are produced by adapting bluetongue virus field isolates through serial passages in tissue culture or in embryonated hens' eggs;**]**

"local authority" ("*awdurdod lleol*") means in relation to an area the county council or county borough council for that area;

"midge" ("*gwybedyn*") means an insect of the genus *Culicoides*;

"premises" ("*mangre*") includes any place;

"vaccine" ("*brechlyn*") means vaccine against bluetongue virus; and

"veterinary inspector" ("*arolygydd milfeddygol*") means a person appointed as such by the Welsh Ministers for the purposes of these Regulations.

(2) Any authorisation, licence, notice or designation under these Regulations must be in writing, may be subject to conditions and may be amended, suspended or revoked by notice at any time.

F5 Words in reg. 2 inserted (10.10.2012) by The Bluetongue (Wales) (Amendment) Regulations 2012 (S.I. 2012/2403), regs. 1(3), **2(2)**

Exemptions

[[F6]**3.** These Regulations do not apply to—

(a) anything a person is authorised to do by licence granted under the Specified Animal Pathogens (Wales) Order 2008;

(b) administration of a vaccine for research purposes in accordance with an animal test certificate granted under the Veterinary Medicines Regulations 2011.**]**

F6 Reg. 3 substituted (10.10.2012) by The Bluetongue (Wales) (Amendment) Regulations 2012 (S.I. 2012/2403), regs. 1(3), **2(3)**

Licences

4.—(1) A person moving anything under the authority of a specific licence granted under these Regulations must—

(a) carry the licence or a copy of it at all times during the licensed movement;

(b) on demand by a veterinary inspector, inspector or an officer of the Welsh Ministers, produce the licence or copy and allow a copy or extract to be taken.

(2) A person moving anything under the authority of a general licence granted under these Regulations must—

(a) carry, at all times during the movement, a consignment note that contains details of—

(i) what is being transported, including the quantity;

(ii) the date of the movement;

(iii) the name of the consignor;

(iv) the address of the premises from which the movement started;

(v) the name of the consignee;

(vi) the address of the premises of destination;

(b) on demand by a veterinary inspector, inspector or an officer of the Welsh Ministers, produce the consignment note and allow a copy or extract to be taken.

Licences granted outside Wales

5. Except where otherwise directed by the Welsh Ministers and except in respect of a licence to obtain vaccine or a licence to vaccinate, licences granted in Scotland or England for activities which could be licensed in Wales under these Regulations have effect in Wales as if they were licences granted under these Regulations.

Declarations of zones

6. Declarations of zones—

(a) must be in writing;

(b) may be amended by further declaration at any time;

(c) must designate the extent of the zone being declared; and

(d) may only be revoked by further declaration.

Premises straddling zones

7.—(1) Premises partly inside a temporary control zone and not inside any other zone are treated as being inside the temporary control zone.

(2) Premises partly inside a control zone are treated as being inside that zone.

(3) Premises partly inside a vaccination zone are treated as being inside that zone.

(4) Otherwise—

(a) if a restricted zone has been divided into a protection zone and a surveillance zone premises partly inside the protection zone and partly inside the surveillance zone are treated as being inside the protection zone;

(b) premises partly inside a restricted zone and partly inside an area that does not have controls for bluetongue are treated as being inside the restricted zone; and

(c) premises partly inside a restricted zone and partly inside a temporary control zone are treated as being inside the restricted zone.

PART 2

Suspected and confirmed bluetongue

Initial requirements where bluetongue is known or suspected

8.—(1) The owner or keeper of any animal or carcase, or any person who examines or inspects any animal or carcase, who knows or suspects that the animal or carcase is infected with bluetongue, must—

(a) immediately notify the **[**F7Welsh Ministers**]**; and

(b) not move any animal or carcase on or off the premises where the animal or carcase known to be or suspected of being diseased is located, except as authorised by an inspector.

(2) A person who analyses a sample taken from any animal or carcase and who finds evidence of antibodies to, or antigens or nucleic acids of, the bluetongue virus or any evidence of vaccination for bluetongue must immediately notify the **[**F8Welsh Ministers**]**.

F9(3) . . . . . .

F7 Words in reg. 8(1)(a) substituted (1.4.2010) by The Animals (Divisional Veterinary Managers) (Wales) Regulations 2010 (S.I. 2010/619), regs. 1, **6(3)**

F8 Words in reg. 8(2) substituted (1.4.2010) by The Animals (Divisional Veterinary Managers) (Wales) Regulations 2010 (S.I. 2010/619), regs. 1, **6(3)**

F9 Reg. 8(3) revoked (1.4.2010) by The Animals (Divisional Veterinary Managers) (Wales) Regulations 2010 (S.I. 2010/619), regs. 1, **6(2)**

Suspected or infected premises

9.—(1) An inspector who knows or suspects that the bluetongue virus exists on any premises must immediately serve a notice on the occupier or on the keeper of any animals on those premises requiring that—

(a) no animal, ovum, semen or embryo enters or leaves the premises;

(b) an inventory of all animals on the premises is made, recording, for each species—

(i) the number dead;

(ii) the number alive that appear to have bluetongue; and

(iii) the number alive which do not appear to have bluetongue;

(c) the inventory is kept up to date;

(d) all animals on the premises are kept indoors or as directed by an inspector;

(e) the premises and animals on them are subjected to the midge control measures specified in the notice.

(2) A veterinary inspector or an inspector acting under the direction of a veterinary inspector may also serve such a notice on the occupier of premises or the keeper of animals on those premises if the veterinary inspector suspects that animals on the premises have been exposed to the bluetongue virus.

(3) The person making the inventory must keep a record of it for at least two years.

Temporary control zones

10.—(1) If an inspector suspects that the bluetongue virus exists on any premises, the Welsh Ministers may declare a temporary control zone.

(2) When a temporary control zone has been established in England which touches the border with Wales the Welsh Ministers may establish an associated temporary control zone in Wales.

(3) The location and size of the temporary control zone is to be such as the Welsh Ministers consider appropriate to prevent the spread of disease.

(4) Where a temporary control zone has been established, no person may move any animal on to or off premises in the zone except in accordance with a licence issued by a veterinary inspector.

(5) A temporary control zone ceases to exist in any area subsequently incorporated into a control zone or a restricted zone.

Confirmation of bluetongue on premises

11. Once a veterinary inspector is satisfied that bluetongue exists on any premises, the veterinary inspector may serve a notice on the occupier or the keeper of any animals on those premises—

(a) confirming the existence of bluetongue on the premises; and

(b) notifying the occupier that, notwithstanding regulation 8, it is unnecessary to notify any further suspected cases of bluetongue on the premises to the **[**F10Welsh Ministers**]**.

F10 Words in reg. 11(b) substituted (1.4.2010) by The Animals (Divisional Veterinary Managers) (Wales) Regulations 2010 (S.I. 2010/619), regs. 1, **6(3)**

Measures on confirmation of the bluetongue virus

12.—(1) If the Chief Veterinary Officer confirms that the bluetongue virus is circulating in Wales, the Welsh Ministers, on being satisfied on epidemiological, geographical, ecological or meteorological grounds that this is appropriate for disease control purposes, must declare an area to be a control zone.

(2) The control zone must include the infected premises, and be of such size as the Welsh Ministers consider appropriate for disease control purposes.

(3) No person may move an animal to or from premises in a control zone.

Restrictions in protection and surveillance zones

13.—(1) If the Chief Veterinary Officer confirms that the bluetongue virus is circulating in Wales the Welsh Ministers—

(a) must declare an appropriate area to be a restricted zone;

(b) may, within a restricted zone, declare any area around an infected premises to be a protection zone, and any area beyond such protection zone to be a surveillance zone.