WELSH STATUTORY INSTRUMENTS

2007 No. 3150 (W.267)

ANIMALS, WALES

ANIMAL HEALTH

The Bluetongue (Wales) Order 2007

Made - - - -	*5.05 p.m on 2 November 2007*
Coming into force - -	*6.00 p. m. on 2 November 2007*

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 (**1**) 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(**2**))to be construed as a reference to that Regulation as amended from time to time.

The Welsh Ministers make the following Order in exercise of the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972 (**3**) and sections 1, 7(1), 8(1), 15(4), 17(1), 23, 25, 28, 32(2), 34, 35, 36, 83(2) and 88(2) of the Animal Health Act 1981(**4**):

PART 1

Introduction

Title, application and commencement

1. The title of this Order is the Bluetongue (Wales) Order 2007; it applies in relation to Wales and comes into force at 6.00 pm on 2 November 2007.

Interpretation

2.—(1) In this Order—

(**1**) 1972 c. 68.
(**2**) OJ No. L 283, 27.10.2007, p. 37.
(**3**) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
(**4**) 1981 c. 22. Functions under the Act were transferred to the National Assembly for Wales by S.I. 1999/672 and S.I. 2004/3044. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006, these functions are now exercisable by the Welsh Ministers.

"animal" means a ruminating animal, and "carcase", "embryo", "ovum" and "semen" mean the carcase, embryo, ovum and semen of such an animal;

"premises" includes any place; and

"midge" means an insect of the genus Culicoides.

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

Extension of the definition of "disease"

3. The definition of "disease" in section 88(1) of the Animal Health Act 1981 is extended to include bluetongue.

Exemptions

4.—(1) This Order does not apply to bluetongue virus possessed under a licence issued under the Specified Animal Pathogens Order 1998(**5**).

(2) It does not apply to quarantine centres or quarantine facilities approved under the Animals and Animal Products (Import and Export) (Wales) Regulations 2006(**6**).

PART 2

Suspected and confirmed bluetongue

Initial requirements where bluetongue is known or suspected

5.—(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 Divisional Veterinary Manager; 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 Divisional Veterinary Manager.

(3) In this article "Divisional Veterinary Manager" means the veterinary inspector authorised by the Welsh Ministers to receive information about animals or carcases diseased or suspected of being diseased for the area in which such animals or carcases are situated.

Suspected or infected premises

6.—(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;

(**5**) S. I. 1998/463.
(**6**) S. I. 2006/1536 (W.153).

(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 subject 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 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 it for at least two years.

Powers of veterinary inspectors and officers

7. If a notice has been served under the previous article, a veterinary inspector (and, other than in the case of examination of an animal, an inspector or an officer of the Welsh Ministers acting under the direction of a veterinary inspector) upon entering the premises may—

(a) examine any animal, carcase or thing;

(b) require the detention, isolation, restraint or treatment of any animal;

(c) carry out an epidemiological investigation relevant to the control of bluetongue;

(d) carry out tests and take samples (including blood samples) from any animal, carcase or thing for the purpose of diagnosis or epidemiological investigation;

(e) mark for identification purposes any animal, carcase or thing;

(f) trap midges;

(g) implement midge control measures;

(h) require the destruction, burial, disposal or treatment of any thing;

(i) require the cleansing and disinfection of any part of the premises or of any person, animal or thing on the premises; or

(j) require the occupier, any veterinary surgeon who has attended any animal on the premises or any other person who has been in charge of or in contact with any such animal to give details of any other animal or other premises with which any such animal may have come into contact.

Temporary control zones

8.—(1) Following the service of a notice under article 6, 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 must 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) Premises partly inside and partly outside a temporary control zone are treated as being wholly inside that zone.

Measures on confirmation of the bluetongue virus

9.—(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.

(4) Premises which are only partly inside a control zone are treated as being wholly within that control zone.

Restrictions in protection and surveillance zones

10.—(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, and

(b) may divide the restricted zone into two separate zones, a protection zone and a surveillance zone.

(2) No person may move an animal, semen, ovum or embryo out of a restricted zone except under the authority of a licence granted by an inspector.

(3) No person may move an animal from a protection zone to a surveillance zone except under the authority of a licence granted by an inspector.

(4) An inspector must grant a licence if the movement is permitted under Commission Regulation (EC) No. 1266/2007 as amended from time to time, and the conditions of any licence must be such as to ensure that the movement is made in accordance with that Regulation.

(5) Premises partly inside a restricted zone and partly in an area that does not have controls for bluetongue are treated as being in the restricted zone.

(6) If the restricted zone has been divided into a protection zone and a surveillance zone—

(a) premises (except premises which are partly inside a control zone) which are partly inside a protection zone are treated as being wholly within the protection zone, and

(b) premises (except premises which are partly inside a surveillance zone) which are partly inside a surveillance zone are treated as being wholly within the surveillance zone.

Powers of inspectors and officers in control or restricted zones

11.—(1) In a control or restricted zone, veterinary inspectors, officers authorised by the Welsh Ministers and inspectors have the powers they have in article 7.

(2) A veterinary inspector may also—

(a) require the occupier of premises in a protection zone or the keeper of any animal on such premises to allow the vaccination of any animal kept there; and

(b) require the occupier or keeper—

(i) to retain animals for use as sentinel animals, or

(ii) to allow the introduction of sentinel animals onto those premises.

(3) In this article "sentinel animal" means an animal that does not have antibodies to the bluetongue virus when first introduced or retained at the premises, and is used for surveillance for the bluetongue virus.