WELSH STATUTORY INSTRUMENTS

2007 No. 3002 (W. 259)

ANIMALS, WALES

ANIMAL HEALTH

The Bluetongue (Wales) (Amendment) Order 2007

Made - - - -	*18 October 2007*
	4:45p.m. on 18
Coming into force - -	*October 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 Decision 2005/393/EC on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones(**2**) to be construed as a reference to that instrument 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, 8(1), 17(1) and 35 of the Animal Health Act 1981(**4**) and now vested in them(**5**).

Citation and commencement

1. This Order—

(a) is entitled the Bluetongue (Wales) (Amendment) Order 2007;

(b) applies in relation to Wales; and

(c) comes into force at 4:45p.m. on 18 October 2007.

Amendment

2. The Bluetongue (Wales) Order 2003 is amended in accordance with the Schedule.

(**1**) 1972, c. 68.
(**2**) OJ L 130, 24.5.2005, p.22, as last amended by Commission Decision 2007/28/EC, OJ L8 , 13.1.2007, p.51.
(**3**) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
(**4**) 1981 c. 22.
(**5**) Functions transferred to the National Assembly for Wales by SI 1999/672 and SI 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.

Rhodri Morgan AC/AM
First Minister for Wales, one of the Welsh Ministers

18 October 2007

SCHEDULE

Article 2

AMENDMENTS TO THE BLUETONGUE (WALES) ORDER 2003

1. In article 2 in the definition of "Chief Veterinary Officer" ("*Prif Swyddog Milfeddygol*") substitute for the words "of the Department for Environment, Food and Rural Affairs" the words "appointed by the Welsh Ministers".

2. Omit article 8(2)(c).

3. In paragraph 9(1)(d) replace "." at the end of the subparagraph with ";" and insert new subparagraph (e) as follows—

"(e) require the slaughter of any animal which is affected by disease or which he or she suspects may be affected by disease or have been exposed to infection."

4. For articles 10, 11 and 12 substitute—

"**Measures when disease is confirmed**

10.—(1) On confirmation by the Chief Veterinary Officer of bluetongue on premises in Wales, the Welsh Ministers must declare an area to be a control zone.

(2) A control zone declared under paragraph (1) must—

(a) be centred on the outbreak point; and

(b) subject to paragraphs (3) and (4), have a radius of 20 kilometres.

(3) Where this article requires the Welsh Ministers to declare a control zone and the area of that zone would include land in England, they must declare a zone of such part of that area as is in Wales.

(4) The Welsh Ministers may extend or reduce the area of a control zone having regard to such—

(a) epidemiological;

(b) geographical;

(c) ecological; or

(d) meteorological,

factors as they consider relevant.

(5) No person may move an animal to or from premises in a control zone, except in accordance with a licence granted by an inspector.

(6) An inspector may only grant a licence under paragraph (5) in respect of a movement which is permitted under the Commission Decision.

(7) The terms and conditions of such a licence must be such as to ensure that the movement is made in accordance with the Commission Decision.

(8) In this article—

(a) "the Commission Decision" means Commission Decision 2005/393/EC on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones, as amended from time to time; and

(b) "the outbreak point" means the part of the infected premises from which the Welsh Ministers consider the control zone should be measured.