Changes to legislation: *The Zoonoses (Monitoring) (Wales) Regulations 2007 is up to date with all changes known to be in force on or before 08 July 2020. 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

2007 No. 2459 (W.207)

ANIMALS, WALES

ANIMAL HEALTH

The Zoonoses (Monitoring) (Wales) Regulations 2007

Made - - - -	*20 August 2007*
Laid before the National Assembly for Wales - -	*22 August 2007*
Coming into force - -	*1 October 2007*

The Welsh Ministers in exercise of the powers conferred on them [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to measures in the veterinary field for the protection of public health, and now vested in them [F3] make the following regulations:

F1 S.I. 2003/1246.
F2 1972 c .68.
F3 Functions conferred under the European Communities (Designation)(No. 2) Order 2003 (SI 2003/1246) to the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Title, application and commencement

1. The title of these Regulations is the Zoonoses (Monitoring) (Wales) Regulations 2007; they apply in relation to Wales and come into force on 1 October 2007.

Interpretation

2.—(1) In these Regulations—

"inspector" ("*arolygydd*") means any person appointed to be an inspector for the purposes of these Regulations by the Welsh Ministers or a local authority;

"local authority" ("*awdurdod lleo*l") means in respect of any area of Wales, the county council or the county borough council, of the area;

"the Directive" ("*y Gyfarwyddeb*") means Directive 2003/99/EC on the monitoring of zoonoses and zoonotic agents amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC[F4].

(2) Expressions used in both these Regulations and the Directive have the same meaning in these Regulations as they have in that Directive.

F4 OJ No. L 325, 12.12.2003, p.31.

Competent authority

3. The Welsh Ministers are the competent authority for the purposes of Articles 3(2), 6(1) and 8(2) of the Directive in so far as that Directive relates to animals.

Powers of entry

4.—(1) An inspector has, on producing if so required, some duly authenticated document showing his or her authority, a right at all reasonable hours, to enter any premises on which any animal or animal feedingstuff is, or has been, present for the purpose of-

(a) determining whether any zoonosis listed in the Schedule or any zoonotic agent of any such zoonosis exists or has existed there;

(b) determining whether there is evidence of antimicrobial resistance in any such zoonotic agent or in any other agent that presents a threat to public health;

(c) determining, if the epidemiological situation so requires, whether—

(i) any other zoonosis or zoonotic agent exists or has existed there;

(ii) there is evidence of antimicrobial resistance in any such zoonotic agent;

(iii) any agent of any infection that exists or has existed on those premises is transmissible directly or indirectly from animals to humans;

(iv) any agent of any infection that is, or may be, transmissible directly from animals to humans exists on those premises; or

(d) the enforcement of these Regulations.

(2) Paragraph (1) does not apply to admission to any premises used only as a private dwelling-house unless 24 hours' notice of the intended entry has been given to the occupier, or the entry is in accordance with a warrant granted under this regulation.

(3) If a Justice of the Peace, on sworn information in writing, is satisfied that there are reasonable grounds for entry into any premises for the purposes of the enforcement of these Regulations, and either—

(a) admission has been refused, or a refusal is expected, and (in either case) that notice to apply for a warrant has been given to the occupier;

(b) asking for admission, or the giving of such a notice, would defeat the object of the entry;

(c) the case is one of urgency; or

(d) the premises are unoccupied or the occupier is temporarily absent,

the Justice may by warrant signed by him or her authorise the inspector to enter the premises, if necessary by reasonable force.

(4) A warrant under this section will continue in force for one month.

(5) If an inspector enters any unoccupied premises he or she must leave them as effectively secured against unauthorised entry as he or she found them.

(6) In this regulation
"premises" ("*mangre*") includes any land, any place, any vehicle or trailer, any container, any stall or moveable structure, and any ship or aircraft.

Powers of inspectors

5. An inspector entering premises under regulation 4 may—

(a) carry out such enquiries, examinations and tests and take such samples (including any animal carcase or any part of an animal carcase, blood, faecal material, feeding stuff, litter or any animal products) as he or she considers necessary;

(b) examine any records in whatever form and take copies or printouts of those records;

(c) mark, or cause to be marked, for identification purposes, any animal, animal carcase or thing in relation to which any of the powers under sub-paragraphs (a) or (b) have been exercised;

(d) make enquiries of any person;

(e) place any equipment (including any trap) on the premises for the purpose of capturing or monitoring any wild animal (including any arthropod vector) or for detecting any micro-organism;

(f) take with him or her any person, vehicle or equipment that he or she considers necessary for the execution of these Regulations; and

(g) take with him or her any representative of the European Commission.

Examination of isolates

6.—(1) A food business operator responsible for primary production who examines an isolate, or causes an examination of an isolate to be carried out, in order to detect the presence of any zoonosis or zoonotic agent must—

(a) take all reasonable steps to ensure that the isolate is preserved for a period of at least two weeks from the date of the examination; and

(b) keep the results of the examination for a period of 12 months from receipt and supply them to the Welsh Ministers immediately upon demand during that period.

(2) Paragraph (1) does not apply to any sample taken for the purposes of **[**F5the Control of Salmonella in Poultry (Wales) Order 2008**]**.

F5 Words in reg. 6(2) substituted (28.3.2019) by The Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019 (S.I. 2019/463), regs. 1(3), **8**

Monitoring wild animals

7. If the Welsh Ministers prepare a programme for the monitoring of zoonoses or zoonotic agents in wild animals that includes the taking of any sample from a live wild animal or any egg or sample from the temporary or permanent resting place or nest of a wild animal, they must consult **[**F6the Natural Resources Body for Wales**]** before monitoring commences.

F6 Words in reg. 7 substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 5 para. 42** (with Sch. 7)

Offences and penalties

8.—(1) A person is guilty of an offence if he or she—

(a) administers any treatment to an animal with the intention of disguising any zoonosis or zoonotic agent;