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WELSH STATUTORY INSTRUMENTS

2006 No. 179 (W. 30)

ANIMALS, WALES

ANIMAL HEALTH

The Foot-and-Mouth Disease (Wales) Order 2006

Made - - - -	*31 January 2006*
Coming into force - -	*1 February 2006*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 1, 2, 7(1), 8(1), 13, 15(3), 15(4), 17(1), 23, 25, 26(1), 26(2), 28, 34(7), 38(1), 65A(3), 83(2), 87(2) and 87(5) of the Animal Health Act 1981 [F1] makes the following Order:

F1 1981, c. 22. Amended by the Animal Health Act 2002, c. 42. Functions under the 1981 Act are now vested in the National Assembly by virtue of S.I. 1999/672 and S.I. 2004/3044.

PART 1

Introduction

Title, application and commencement

1.—(1) The title of this Order is the Foot-and-Mouth Disease (Wales) Order 2006.

(2) It applies in relation to Wales and comes into force on 1 February 2006.

Extension of definitions of "animals" and "poultry"

2. For the purposes of the Act in its application to the disease and to this Order—

(a) the definition of "animals" in section 87(1) of the Act is extended to include all four-footed beasts;

(b) the definition of "poultry" in section 87(4) of the Act is extended to include all birds.

Interpretation

3.—(1) In this Order—

"the Act" means the Animal Health Act 1981;

"animal gathering" means an event at which animals are brought together, including a market, show or fair, but not any occasion at which animals are brought together on the premises on which they are kept;

"animal product" means anything originating or made (whether in whole or in part) from an animal or from a carcase;

"border inspection post" means a place specified as a border inspection post in Schedule 2 to the Animal and Animal Products (Import and Export) (Wales) Regulations 2005 [F2];

"bovine animal" includes buffalo and bison;

"Chief Veterinary Officer" means the Chief Veterinary Officer appointed by the National Assembly;

"collecting centre" means premises used for the intermediate reception of animals intended to be moved elsewhere;

"contact premises" means any premises declared to be contact premises under article 14(2);

"contaminated" means directly or indirectly exposed to disease;

"the Directive" means Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC[F3]**[**[F4], as last amended by Commission Implementing Decision (EU) 2018/1099**]**;

"disease" means foot-and-mouth disease;

[F5]...

"emergency slaughter" means slaughter in emergency circumstances of animals which are not infected or contaminated and includes slaughter for welfare purposes;

"fodder" means animal feed and includes hay, straw and forage;

"free unit" means a separate production unit declared to be a free unit under sub-paragraph 2A(6) of Schedule 3 to the Act or under article 13(1);

"fresh meat" means meat (including offal and any meat preparation) that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum wrapped or wrapped in a controlled atmosphere;

"health marked" means bearing the health mark required by article 5(2) of Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption [F6];

"horse" means a domestic animal of the equine or asinine species or a crossbreed of those species;

"identification marked" means bearing the identification mark required by article 5(1) of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin [F7];

"incubation period" means—

(a) for cattle, pigs and other bovine animals and swine, 14 days; and

(b) for other susceptible animals, 21 days;

"infected" means affected with disease;

"infected premises" means any premises declared to be infected premises under article 12(10);

"infection date" means, in respect of any premises, the date confirmed by the Chief Veterinary Officer under article 12(8) as the earliest date disease was present there;

"inspector" means an inspector appointed under the Act;

"keeper" means any person responsible for animals, whether on a permanent or temporary basis, but does not include a person who is responsible for animals solely because he or she is transporting them;

"litter" means any substance which has been used for the bedding of animals;

"local authority" has the meaning assigned to that term by section 50(1) of the Act;

"meat preparation" means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus eliminate the characteristics of fresh meat;

"meat product" means a processed product resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

"mechanically separated meat" means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure;

"milk" includes cream, separated milk, skimmed milk and buttermilk;

"milk product" includes butter, cheese, yoghurt, whey and any other product the main constituent of which is milk;

"minced meat" means boned meat that has been minced into fragments and contains less than 1% salt;

"the National Assembly" means the National Assembly for Wales;

"occupier" means, in relation to any premises, the person in charge of those premises;

"overstamped" means, in relation to a health marked or identification marked item, bearing an additional diagonal cross consisting of two straight lines intersecting at the centre of the health or identification mark and allowing the information there to remain legible (whether or not that additional cross is applied by the same stamp as the mark);

"premises" includes any land, building or other place;

"protection zone" means a protection zone declared under article 31(1), 31(2), 32(2) or 32(3);

"public highway" means a highway maintainable at public expense;

[[F8]"Regulation (EC) No. 1069/2009" means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation) **[**[F9], as last amended by Council Regulation (EU) 1385/2013**];]**

[[F8]"Regulation (EU) No. 142/2011" means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive **[**[F10], as last amended by Commission Regulation (EU) 2017/1262**];]**

"restricted zone" means a restricted zone declared under article 38(1);

"sell" means sell to the final consumer or user;

"slaughterhouse" has the meaning given to that term in regulation 5(6) of the Food Hygiene (Wales) Regulations 2006 [F11];

"supplementary movement control zone" means a supplementary movement control zone declared under article 19(1);

"surveillance zone" means a surveillance zone declared under article 31(1), 31(2), 32(2) or 32(3);

"susceptible animal" means a cow, bull, sheep, goat, deer, camel, llama, alpaca, guanaco, vicuna, any other ruminant, any swine (that is, a member of the suborder Suina of the order Artiodactyla), elephant or rodent (other than a pet rodent);

"suspected of being infected" means exhibiting clinical symptoms or showing post-mortem lesions or reactions to laboratory tests such that the presence of disease may reasonably be suspected;

"suspect premises" means any premises declared as suspect premises under article 12(5) or 14(1);

"temporary control zone" means a temporary control zone declared under article 16(1);

"trimmed offal" means any of—

(a) heart from which lymphatic glands, connective tissue and adhering fat has been completely removed,

(b) liver from which lymphatic glands, connective tissue and adhering fat has been completely removed,

(c) whole masseter muscles,

(d) tongues with epithelium and without bone, cartilage and tonsils,

(e) lungs from which the trachea and main bronchi and the mediastinal and bronchial lymphatic gland have been removed,

(f) other offal without bone or cartilage from which lymphatic glands, connective tissue, adhering fat and mucous membrane have been removed;

"vaccinate" means treat with hyperimmune serum or vaccine against the disease;

"vaccination surveillance zone" and "vaccination zone" mean, respectively, a vaccination surveillance zone and a vaccination zone declared under the Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006 [F12];

"vehicle" includes—

(a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle;

(b) a detachable part of a vehicle;

(c) a container or other structure designed or adapted to be carried by or on a vehicle;

"wild animal infected zone" means a wild animal infected zone declared under article 40(1).

(2) References in this Order to "emergency slaughter" mean slaughter of animals which are not suspected of infection or contamination and are not on infected premises where an inspector considers that circumstances require urgent slaughter (including slaughter for welfare reasons).

(3) References in this Order to "susceptible animals originating in" protection or surveillance zone or susceptible animals "originating on infected premises" mean—

(a) susceptible animals kept in the protection or surveillance zone or on the infected premises, as the case may be, and

(b) susceptible animals which were kept within the boundaries of the protection or surveillance zone or on the premises at any time during the period—

(i) beginning 21 days before the following date—

(aa) in the case of a protection zone, the earliest infection date there;

(bb) in the case of a surveillance zone, the earliest infection date in the associated protection zone;

(cc) in the case of infected premises, the infection date; and

(ii) ending with the declaration of the protection zone, surveillance zone or infected premises, as the case may be.

(4) References in this Order to "susceptible animals originating in" a vaccination or temporary control zone or susceptible animals "originating on" suspect or contact premises mean—

(a) susceptible animals kept in the vaccination or temporary control zone or on the suspect or contact premises, as the case may be, and

(b) susceptible animals which were kept within the boundaries of the vaccination or temporary control zone or on the suspect or contact premises at any time during the period—

(i) beginning 21 days before the declaration of the vaccination or temporary control zone or suspect or contact premises, as the case may be, and

(ii) ending with that declaration.

F2 S.I. 2005/1158 (W.75).
F3 OJ No. L306, 22.11.2003, p.1.
F4 Words in art. 3 inserted (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), **5(2)(a)**
F5 Words in art. 3(1) revoked (1.4.2010) by The Animal Health (Divisional Veterinary Managers) (Wales) Order 2010 (S.I. 2010/618), arts. 1, 2(2), **Sch. 2**
F6 OJ No. L139, 30.4.2004, p.206. The revised text of the Regulation is contained in a corrigendum (OJ No. L226, 25.6.2004, p.83).
F7 OJ No. L139, 30.4.2004, p.55. The revised text of the Regulation is contained in a corrigendum (OJ No. L226, 25.6.2004, p.22).
F8 Words in art. 3(1) inserted (28.3.2014) by The Animal By-Products (Enforcement) (Wales) Regulations 2014 (S.I. 2014/517), reg. 1(2)(3), **Sch. 2 para. 1(2)**
F9 Words in art. 3 inserted (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), **5(2)(b)**
F10 Words in art. 3 inserted (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), **5(2)(c)**
F11 S.I. 2006/31 (W.5).
F12 S.I. 2006/180 (W.31).

Premises comprising common or unenclosed land

4. In this Order—

(a) common or unenclosed land forms separate premises from other land unless—

(i) the parcels of land adjoin, and

(ii) all animals kept on each parcel of land are in the charge of the same keeper;

(b) a notice which is to be served on the occupier of premises wholly or partially comprising any common or unenclosed land is validly served if served on every keeper of animals kept there (so far as those persons are reasonably ascertainable);