WELSH STATUTORY INSTRUMENTS

2004 No. 1803 (W.191)

ANIMALS, WALES

ANIMAL HEALTH

The Animal Gatherings (Wales) Order 2004

Made - - - -	*8 July 2004*
Coming into force - -	*1 November 2004*

The National Assembly for Wales and the Secretary of State, acting jointly in exercise of the powers conferred on them by sections 1, 7, 8 and 83 of the Animal Health Act 1981(**1**), make the following Order:

Title, application and commencement

1. This Order may be cited as the Animal Gatherings (Wales) Order 2004; it applies in relation to Wales and comes into force on 1 November 2004.

Interpretation

2. In this Order —

"animals" ("*anifeiliaid*") means cattle (excluding bison and yak), deer, goats, sheep and pigs;

"animal area" ("*ardal anifeiliaid*") has the meaning given in article 5(2)(c);

"animal gathering" ("*crynhoad anifeiliaid*") means an occasion at which animals are brought together for one or more of the following purposes —

(a) a sale, show or exhibition;

(b) onward consignment within Great Britain;

(c) inspection to confirm the animals possess specific breed characteristics;

(**1**) 1981 c. 22. Functions conferred under the 1981 Act on "the Ministers" (as defined in section 86 of that Act) were transferred, so far as exercisable by the Secretary of State for Wales in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672). The joint functions of "the Minister" exercisable by the Secretary of State for Scotland in relation to Wales were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1993/3141). All functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

"approved disinfectant" ("*diheintydd a gymeradwywyd*") means a disinfectant approved under the Diseases of Animals (Approved Disinfectants) Order 1978(**2**) at the concentration required under that Order for "General Orders";

"equipment" ("*cyfarpar*") includes pens and hurdles; and

"paved" ("*wedi'i phalmantu*") means paved with cement, concrete, asphalt or other hard, impermeable material that is capable of being effectively cleansed and disinfected.

Notices

3. A notice or licence under this Order —

(a) shall be in writing;

(b) may be amended, suspended or revoked by a notice issued by a veterinary inspector; and

(c) may be subject to such conditions as the veterinary inspector considers necessary to control the introduction into or spread of disease within or from the licensed premises.

Exceptions

4. This Order shall not apply if —

(a) all the animals brought to the gathering are owned by the same person;

(b) all the animals come from one set of premises which the National Assembly for Wales has authorised as a sole occupancy group under the Disease Control (Wales) Order 2003(**3**); and

(c) the animal gathering is to take place on premises owned or occupied by the owner of the animals.

The use of premises for animal gatherings

5.—(1) No person shall use premises for an animal gathering unless those premises are licensed for that purpose by a veterinary inspector.

(2) A licence shall specify —

(a) the name of the licensee;

(b) the premises in which the animal gathering may take place, and

(c) the area to which animals may be given access ("the animal area").

27 day restriction on when an animal gathering can take place

6. No person shall allow an animal gathering to take place on premises on which animals have been kept until 27 days have passed from the day on which —

(a) the last animal left those premises; and

(b) after the last animal has left the premises, all equipment to which animals have had access has been cleansed of visible contamination.

(**2**) S.I. 1978/32, S.I. 1999/919, S.I. 2002/3195, S.I. 2001/641.
(**3**) S.I. 2003/1966 (W.211).

Exemption from the 27 day restricted period for premises with a paved animal area

7.—(1) The restriction in article 6 does not apply if the animal area in the licensed premises is paved and is cleansed and disinfected and waste is disposed of in accordance with this article before a further animal gathering is held.

(2) The cleansing and disinfection —

(a) must not begin until all animals have been removed from the part of the animal area being cleansed and disinfected; and

(b) must be completed after the last animal has left the licensed premises and before an animal gathering is held on the premises again.

(3) All parts of the animal area (including any equipment) must be swept or scraped clean, cleansed by washing and disinfected with an approved disinfectant.

(4) The licensee shall ensure that all feedingstuffs to which animals have had access, and all bedding, excreta, other material of animal origin and other contaminants derived from animals in the animal area are, as soon as possible and before animals are allowed to enter the licensed premises again —

(a) destroyed;

(b) treated so as to remove the risk of transmission of disease; or

(c) disposed of so that animals do not have access to it.

(5) If, following the last occasion on which the animal area was cleansed and disinfected in accordance with this article, it becomes contaminated with animal excreta or other material of animal origin or any contaminant derived from animals, then the animal area or those parts of it that have become so contaminated must be swept or scraped clean and then cleansed by washing and an approved disinfectant applied before any animals are allowed on to the licensed premises again.

Time limits

8.—(1) An animal gathering for the purpose of a sale (whether or not sale is the sole purpose) held on premises with a paved animal area shall not last for more than 48 hours, starting at midday.

(2) A veterinary inspector may extend the period of the animal gathering under paragraph (1) if the veterinary inspector is satisfied that—

(a) the extension is necessary for animal welfare reasons; or

(b) the risk of the introduction of disease into the sale and subsequent dissemination is low.

(3) In the case of an animal gathering to which paragraph (1) does not apply, if one of the purposes of the gathering is the bringing together of animals for onward consignment within Great Britain, the gathering shall not last for more than 48 hours, starting at midday.

Change to the starting time of animal gatherings for the purpose of sale

9.—(1) In the case of an animal gathering for the purpose of a sale (whether or not sale is the sole purpose) held on premises with a paved animal area the licensee may change the midday starting time by, at least two weeks in advance—

(a) notifying both the National Assembly for Wales and the local authority of the date and starting and ending time of the animal gathering; and

(b) publicising the animal gathering so that those bringing animals to it are made aware of the new starting and ending time.

(2) If the animal gathering is one that is held on a recurring basis, the notification and publication may be for the series of animal gatherings.

Dedicated slaughter sales and dedicated slaughter collections

10.—(1) No person shall hold a dedicated slaughter sale or a dedicated slaughter collection other than on premises with a paved animal area.

(2) No person shall hold a dedicated slaughter sale or a dedicated slaughter collection as part of an animal gathering held for any other purpose.

(3) The licensee shall notify the National Assembly for Wales and the local authority that the licensee intends to hold a dedicated slaughter sale or dedicated slaughter collection at least 3 days before the sale or collection

(4) The licensee shall publicise the animal gathering so that those bringing animals to it are made aware that it is a dedicated slaughter sale or dedicated slaughter collection.

(5) For the purpose of this article —

(a) a "dedicated slaughter sale" means an occasion at which animals are brought together solely for the purpose of sale before onward consignment direct to slaughter in Great Britain;

(b) a "dedicated slaughter collection" means an occasion at which animals are brought together solely for onward consignment direct to slaughter in Great Britain.

Duties on persons at an animal gathering

11. When an animal gathering (other than for a show or exhibition) is taking place the provisions of the Schedule (requirements at an animal gathering) shall have effect.

Restrictions following an animal gathering

12.—(1) The provisions of this article apply once the last animal at an animal gathering has left the licensed premises.

(2) No person shall allow animals on to the licensed premises until all equipment to which animals at the gathering had access has been cleansed of visible contamination.

(3) No person shall remove from the licensed premises any equipment to which animals at the gathering had access unless —

(a) the equipment has been cleansed of visible contamination and a period of 27 days has elapsed since the last animal at the animal gathering has left the licensed premises; or

(b) the equipment has been swept or scraped clean, cleansed by washing and disinfected with an approved disinfectant.

Enforcement

13.—(1) This Order shall be enforced by the local authority.

(2) The National Assembly for Wales may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority under this article shall be discharged by the National Assembly for Wales and not by the local authority.

Revocations

14. The Animal Gatherings (Wales) Order 2003(**4**) is revoked.

(**4**) S.I. 2003/1967 (W.212).