WELSH STATUTORY INSTRUMENTS

2003 No. 1966 (W.211)

ANIMALS, WALES

ANIMAL HEALTH

The Disease Control (Wales) Order 2003

Made - - - -	*29th July 2003*
Coming into force - -	*1st August 2003*

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(1) and 83 of the Animal Health Act 1981(**1**), make the following Order:

PART 1

Introduction

Title, application and commencement

1. This Order is called the Disease Control (Wales) Order 2003; it applies in relation to Wales and comes into force on 1st August 2003.

Interpretation

2. In this Order—

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

"collecting centre" ("*canolfan gasglu*") means premises used for the intermediate reception of animals intended to be moved elsewhere (but does not include a market or other place used for the sale or trading of animals unless all the animals there are intended for immediate slaughter);

(**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 Ministers" 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.1999/3141). 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).

"keeper" ("*ceidwad*") means any person having care and control of animals even on a temporary basis and includes, for the purposes of article 13(2)(a), any person transporting the animals;

"land" ("*tir*") includes common or unenclosed land;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"premises" ("*safle*") includes land, with or without buildings;

"sole occupancy group" ("*grŵp meddianaeth unigol*") has the meaning assigned by article 11;

"slaughterhouse" ("*lladd-dy*") has the meaning it is given in the Fresh Meat (Hygiene and Inspection) Regulations 1995(**2**);

"standstill period" ("*cyfnod segur*") means a period when animals may not be moved off premises because of the provisions of articles 4 or 5;

"veterinary surgeon" ("*milfeddyg*") means a fellow or member of the Royal College of Veterinary Surgeons;

and

"veterinary treatment" ("*triniaeth filfeddygol*") includes, in the case of goats, the collection of semen.

Exceptions

3. This Order does not apply in relation to a movement —

(a) licensed under the Foot-and-Mouth Disease Order 1983(**3**); or

(b) to or from a zoo licensed under the Zoo Licensing Act 1981(**4**).

PART 2

Movement restrictions

Restrictions on the movement of cattle, sheep and goats

4. No person may move any sheep, goats or cattle from any premises if any sheep, goats, cattle or pigs have been moved on to those premises during the previous 6 days.

Restrictions on the movement of pigs

5. No person may move a pig from any premises if —

(a) any pig has been moved on to those premises during the previous 20 days; or

(b) any cattle, goats or sheep have been moved on to those premises during the previous 6 days.

Permitted movements during standstill

6. Notwithstanding articles 4 and 5, animals may be moved off premises during the standstill period if —

(**2**) S.I. 1995/539 as last amended in relation to Wales by S.I. 2002/129 (W.17).
(**3**) S.I. 1983/1950 as last amended in relation to Wales by S.I. 2001/4009 (W.335).
(**4**) 1981 c. 37.

(a) the movement is one specified in Schedule 1; or

(b) a permit disapplying the standstill period has been issued by a veterinary inspector.

Movements that do not trigger a standstill period

7. The standstill period is not triggered by a movement on to premises if it is a movement specified in Schedule 2.

Isolation facilities

8.—(1) Where animals are held in an isolation facility under any provision of this Order, and other animals are moved in before they are released from the isolation facility, no animal may be removed from the isolation facility before the last date of release of the last animals moved into the isolation facility.

(2) Pigs may not share an isolation facility with animals of any other species.

Marking sheep and goats travelling to shows or exhibitions

9. No person may move sheep or goats to a show or exhibition unless the animals are marked with an individual identification number in accordance with article 6 of the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No. 2) Order 2002(**5**).

Restrictions on movements to and from slaughterhouses

10. No person may —

(a) move any animal to a slaughterhouse save for the purpose of slaughter within 48 hours of its arrival there; or

(b) receive any animal from a slaughterhouse unless, in the case of any animal other than a pig, under the authority of a licence issued by a veterinary inspector.

Sole occupancy groups

11. The National Assembly and the Secretary of State may authorise sets of premises as sole occupancy groups if he or she is satisfied that the premises are linked in terms of their control.

PART 3

Licences

Requirement for a licence to move animals

12.—(1) No person may move an animal from any premises unless the movement is made under the authority of a licence issued by the National Assembly, the Secretary of State or an inspector.

(2) Paragraph (1) does not apply to any movement authorised by a licence under article 10 of the Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No. 2) Order 2002(**6**) (licences relating to pet pigs).

(**5**) S.I. 2002/2302 (W.227), amended by S.I. 2003/167 (W.27), S.I. 2003/946 (W.127) and this Order.
(**6**) S.I. 2002/2303 as amended by S.I. 2003/170 (W.30).

Notices prohibiting movement under a general licence

13.—(1) Where a general licence has been issued under article 12, the National Assembly or the Secretary of State may issue a notice prohibiting -

(a) the movement under the authority of that licence of any animal from any premises specified in the notice; or

(b) any person specified in the notice from moving animals under the authority of that licence either generally or to or from any premises specified in the notice.

(2) A notice may only be issued under paragraph (1) on the advice of an inspector, who must be of the opinion that —

(a) the provisions of this Order are not being or have not been complied with in relation to animals moved to or from the premises in question or in relation to the movement of any other animals of which the person on whom the notice is to be served is or has at any time been the keeper, and

(b) the service of a notice is necessary to prevent a possible spread of disease.

(3) A notice issued under paragraph (1)(a) is to be served on the occupiers of each of the premises specified in the notice and in any other way that the National Assembly or the Secretary of State thinks fit to draw the notice to the attention of persons affected by it.

(4) A notice issued under paragraph (1)(b) is to be served on the person prohibited from moving animals by the notice and on the occupiers of any premises individually named in the notice.

(5) A notice must be in writing, may be subject to conditions and may be amended, suspended or revoked at any time by further notice by the National Assembly or the Secretary of State.

Specific licences

14.—(1) An animal moved under a specific licence must —

(a) be moved by the most direct route available to the place of destination specified in the licence, and

(b) be accompanied throughout the movement by the licence.

(2) The person in charge of any animal moved under a specific licence must, on demand made by a constable or by an inspector or other officer of the National Assembly, the Secretary of State or of a local authority —

(a) produce the licence;

(b) allow a copy or an extract to be taken; and

(c) if so required, furnish his or her name and address.

(3) Every animal which is moved under the authority of a licence under this Order must be kept separate throughout such movement from any animal which is not being moved under the authority of that licence.

(4) Where animals are moved under a specific licence, then, unless the licence provides otherwise, the occupier of premises which they are moved on to must —

(a) ensure that he or she or his or her representative is given the licence before allowing the animals to be unloaded; and

(b) keep the licence for six months and during that period produce it to an inspector on request.

General licences

15. Where animals are moved under a general licence, and that licence requires the person moving the animals to have a movement document, the occupier of premises which they are moved on to must —

(a) ensure that he or she or his or her representative is given the top copy of the movement document before allowing the animals to be unloaded;

(b) complete the top copy to indicate that he or she has received the animals, sign it, and send it to the local authority without undue delay; and

(c) keep a copy of the completed document for six months and during that period produce it to an inspector on request.

Copies of licences

16. Where an inspector of a local authority issues a licence under article 12(1), he or she must retain a copy of the licence for six months.

Compliance with licences, etc.

17. If any person fails to comply with a licence, permit, authorisation or notice issued under this Order an officer of the National Assembly or the Secretary of State or an inspector may arrange for it to be complied with at the expense of the person in default.

Licences issued in Scotland or England

18. A licence issued by a competent authority in Scotland or England for the purpose of the movement of animals operates in Wales as if it had been issued under this Order.

PART 4

Miscellaneous and enforcement

Licences, permits and authorisations

19.—(1) Any licence, permit or authorisation under this Order must be in writing, may be general or specific, may be subject to conditions and may be varied, suspended or revoked at any time by notice in writing issued —

(a) by the National Assembly or the Secretary of State, in the case of a licence, permit or authorisation issued by the National Assembly, the Secretary of State or an inspector of any kind;

(b) by a veterinary inspector, in the case of a licence or permit issued by a veterinary inspector or any other inspector of the National Assembly or of the Secretary of State;

(c) by an inspector of the National Assembly or of the Secretary of State (other than a veterinary inspector), in the case of a licence issued by any such inspector; or

(d) by an inspector of a local authority, in the case of a licence issued by an inspector of that local authority.

(2) In deciding whether to issue a licence under article 12(1) or a permit under article 6(b) an inspector or a veterinary inspector must comply with any instructions issued by the National Assembly or the Secretary of State.