WELSH STATUTORY INSTRUMENTS

2003 No. 1414 (W.166)

ANIMALS, WALES

ANIMAL HEALTH

The Disease Control (Interim Measures) (Wales) (No.2) Order 2003

Made - - - -	*29th May 2003*
Coming into force - -	*30th May 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:

Title, application, commencement and cessation

1. This Order may be cited as the Disease Control (Interim Measures) (Wales) (No.2) Order 2003; it applies in relation to Wales, comes into force on 30th May and ceases to have effect 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);

"keeper"("*ceidwad*") means any person having care and control of animals even on a temporary basis and includes, for the purposes of article 9(2)(a), any person transporting the animals;

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

(**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).

"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 23;

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

"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 article 3(1)(b); and

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

Restrictions on the movement of animals

3.—(1) The movement of an animal from any premises is prohibited unless —

(a) the movement is made under the authority of a licence issued by the National Assembly, the Secretary of State or an inspector; and

(b) no sheep, goats or cattle have been moved on to those premises during the previous 6 days, and no pigs have been moved on to those premises during the previous 20 days ("the standstill period").

(2) Notwithstanding paragraph (1), animals may be moved off premises during the standstill period if —

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

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

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

(4) The requirement for a licence in paragraph (1)(a) 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(**3**)(licences relating to pet pigs).

(5) The requirements of paragraph (1) do not apply to a movement —

(a) licensed under the Foot-and-Mouth Disease Order 1983(**4**), or

(b) to or from any zoo licensed under the Zoo Licensing Act 1981(**5**).

Marking sheep and goats travelling to shows or exhibitions

4. No person shall 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(**6**).

Restrictions on movements to and from slaughterhouses

5. It is prohibited for any person to —

(**2**) S.I. 1995/539 as last amended by S. I. 2002/129 (W.17).
(**3**) S. I. 2002/2303 (W.228) as amended by S. I. 2003/170 (W.30).
(**4**) S. I. 1983/1950 as last amended by S. I. 2001/4029.
(**5**) 1981 c. 37.
(**6**) S.I. 2002/2302 (W.227).

(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

6. The National Assembly and the Secretary of State may authorise sets of premises as sole occupancy groups if either of them is satisfied that the premises are linked in terms of their control.

Licences, permits and authorisations

7.—(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 Secretary of State;

(c) by an inspector 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 3(1)(a) or a permit under article 3(2) an inspector or a veterinary inspector must comply with any instructions issued by the National Assembly or the Secretary of State.

Licences issued in Scotland or England

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

Notices prohibiting movement under a general licence

9.—(1) Where a general licence has been issued under article 3(1)(a), 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 or of a general licence are not 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) must 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 think fit to draw the notice to the attention of persons affected by it.

(4) A notice issued under paragraph (1)(b) must 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

10.—(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 produce it to an inspector on request.

General licences

11. 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 delay; and

(c) keep a copy of the completed document for six months.

Copies of licences

12. Where an inspector of a local authority issues a licence under article 3(1)(a), he or she must retain a copy of the licence for six months.

Compliance with licences, etc.

13. 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.

Cleansing and disinfection

14.—(1) A licence issued under article 3(1)(a), a permit issued under article 3(2) or an authorisation under article 6 may specify requirements for the cleansing and disinfection of any vehicle used for moving animals additional to the requirements of the Transport of Animals (Cleansing and Disinfection) (Wales) Order 2003(**7**).

(2) The person responsible for moving animals must ensure, except where the licence, authorisation or permit provides otherwise, that all the requirements relating to cleansing and disinfection are met as soon as possible after the animals have been unloaded and, in any case, before the vehicle is moved from the premises to which the animals have been moved.

(3) Where animals are moved under a licence, the occupier of the premises which they are moved on to must provide adequate facilities, equipment and materials for any cleansing and disinfection required by the licence.

Change of occupation of premises

15.—(1) Where, on the termination of his or her right of occupation of any premises, the owner of any animal on those premises is unable to remove it from those premises by reason of any restriction imposed by or under this Order, the person entitled to the occupation of those premises must —

(a) afford the owner of that animal and any person authorised by him or her for the purpose, all such facilities as may be necessary for feeding, tending or otherwise using that animal (including selling it) as the owner may reasonably require; or

(b) where the owner of that animal is unable or unwilling to avail himself of such facilities, take all such steps as may be necessary to ensure that the animal is properly fed, tended and kept.

(2) The provisions of paragraph (1) continue to apply until the expiration of a period of 7 days from the date on which any restriction on the movement of the animal off the premises ceases to apply and the owner of the animal is liable to pay to the person who affords any facilities or feeds, tends or otherwise keeps that animal, in accordance with those provisions, such sums by way of remuneration and reimbursement of expenses as may be just and reasonable in all the circumstances.

Enforcement

16. This Order is to be enforced by the local authority or the Secretary of State.

Revocations

17. The Disease Control (Interim Measures) (Wales) Order 2003(**8**)is revoked.

(**7**) S.I. 2003/482 (W. 68).
(**8**) S. I. 2002/483 (W.69).