WELSH STATUTORY INSTRUMENTS

2003 No. 399 (W.56)

ANIMALS, WALES

ANIMAL HEALTH

The Movement of Animals (Restrictions) (Wales) Order 2003

Made - - - -	*26th February 2003*
Coming into force - -	*28th February 2003*

The National Assembly for Wales and the Secretary of State, acting jointly in exercise of the powers conferred on them by sections 1, 8(1), 17(1), 23, 83(2), 87(2) and (5) and 88(2) and (4) of the Animal Health Act 1981 [F1], make the following Order—

F1 1981 c. 22. *See* section 86(1) for the definitions of "the Ministers" and "the Minister". 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).

Title, commencement and application

1. This Order may be cited as the Movement of Animals (Restrictions) (Wales) Order 2002, comes into force on 28th February 2003 and applies in relation to Wales.

Extension of definition of "animals" and "disease"

2. For the purposes of the Animal Health Act 1981 in its application to this Order—

(a) the definition of "animals" in section 87(1) of that Act is extended so as to comprise any kind of mammal except man and any kind of four-footed beast which is not a mammal; and

(b) the definition of "disease" in section 88(1) of that Act is extended so as to comprise any disease of animals.

Interpretation and application

3.—(1) In this Order—

"premises" includes land with or without buildings; and

"primary route" has the same meaning as in the Traffic Signs Regulations and General Directions 1994 [F2].

(2) Where a power contained in this Order could be exercised under the provisions of any other Order, the power under this Order may be exercised in addition to, or instead of, the power in the other Order.

F2 S.I. 1994/1519.

Restrictions on movement of animals in cases of disease or suspected disease

4.—(1) If a veterinary inspector suspects that disease exists on any premises or means of transport, he or she may serve a notice on the person in charge of the premises or means of transport prohibiting the movement of any animal, carcase or other thing on to or from those premises or that means of transport, except under the authority of a licence issued by a veterinary inspector.

(2) A notice issued under paragraph (1) may contain such other restrictions or requirements with regard to the premises or means of transport or with regard to persons, animals, carcases or other things on the premises or means of transport as the veterinary inspector considers necessary for the purpose of preventing the spread of disease.

(3) If any person contravenes a notice issued under this article in so far as it applies to an animal, the National Assembly for Wales, the Secretary of State or an inspector of a local authority, may seize or detain that animal and may dispose of it in such manner as he considers necessary to prevent the spread of disease.

(4) Any expenses incurred by the National Assembly for Wales, the Secretary of State or inspector in exercise of the powers under paragraph (3) are recoverable as a civil debt, by the National Assembly for Wales, the Secretary of State or local authority, from the person in default.

[F3Declaration of a temporary control area

5.—(1) If the Welsh Ministers suspect that—

(a) disease exists on any premises; or

(b) animals on any premises may be or have been exposed to disease,

they may declare in writing an area to be a temporary control area.

(2) A temporary control area must be at least 1 kilometre in radius or larger if the Welsh Ministers consider it necessary in order to prevent the spread of disease.

(3) Any premises which are partly inside and partly outside a temporary control area are deemed to be wholly within that area.

(4) In a declaration under paragraph (1), the Welsh Ministers must—

(a) specify the disease which the Welsh Ministers suspect to exist, or, if no specific disease is suspected, state that the Welsh Ministers suspect disease to exist; and

(b) specify the species of animal to which the declaration applies.

(5) The Welsh Ministers may specify in a declaration under paragraph (1)—

(a) the biosecurity measures which must be taken on premises in a temporary control area or in any part of that area; and

(b) such other measures which are to apply in the temporary control area, or in any part of that area, as the Welsh Ministers consider necessary in order to prevent the spread of disease.

(6) The Welsh Ministers may prohibit in a declaration under paragraph (1) the movement of any animal or thing capable of spreading disease—

(a) into or out of the temporary control area; and

(b) onto or from any premises in the temporary control area.

(7) But a person may move any such animal or thing under the authority of a licence issued by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

(8) A person to whom a requirement or prohibition in a declaration under paragraph (1) applies must—

(a) comply with the requirement or prohibition; and

(b) comply with any reasonable request which a veterinary inspector or an inspector of the local authority may make to ensure that the requirement or prohibition is complied with.

(9) The Welsh Ministers may revoke or amend in writing a declaration under paragraph (1) at any time.

(10) Such an amendment or revocation must—

(a) refer to the declaration; and

(b) state the date and time the revocation or amendment is to take effect.**]**

F3 Art. 5 substituted (25.11.2009) by The Movement of Animals (Restrictions) (Wales) (Amendment) Order 2009 (S.I. 2009/2940), arts. 1, **2(2)**

Restrictions on movement of animals within and out of an infected area

F4 6. . . . . . .

F4 Art. 6 omitted (25.11.2009) by virtue of The Movement of Animals (Restrictions) (Wales) (Amendment) Order 2009 (S.I. 2009/2940), arts. 1, **2(3)**

Veterinary investigation as to the existence of disease

7.—(1) Where, for any reason, the National Assembly for Wales or Secretary of State considers it necessary to establish whether or not disease exists on any premises or means of transport, a veterinary inspector may carry out such inquiries, examinations and tests and take such samples as he or she considers necessary.

(2) A veterinary inspector may mark, or cause to be marked, for identification purposes any animal, carcase or other thing in relation to which any of the powers under paragraph (1) have been exercised.

(3) The defacing, obliteration or removal of any mark applied under paragraph (2) is prohibited.

(4) The person in charge of the premises or means of transport or any person in his or her employment must render such reasonable assistance to a veterinary inspector as he or she may require for the purpose of facilitating the exercise of his or her powers under paragraph (1) or (2).

Restriction on the movement of animals in order to ascertain the presence of disease

8. Where a veterinary inspector is carrying out an investigation under article 7, he or she may—

(a) where the animals under investigation are on premises, serve a notice on the person in charge of the premises, restricting the movement of any animal on to or off those premises; and