WELSH STATUTORY INSTRUMENTS

2002 No. 2304 (W.229)

ANIMALS, WALES

ANIMAL HEALTH

The Disease Control (Interim Measures) (Wales) (No. 2) Order 2002

Made - - - -	*at 11:29 a.m. on 5th September 2002*
Coming into force - -	*6th September 2002*

The National Assembly for Wales and the Secretary of State, acting jointly in exercise of the powers conferred on them under sections 1, 7, 8(1), 83(2) and 87(2) 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 2002; it applies to Wales, shall come into force on 6th September 2002 and shall cease to have effect on 1st February 2003.

Interpretation

2. In this Order—

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

"the Act" ("*y Ddeddf*") means the Animal Health Act 1981;

"approved disinfectant" ("*dihentydd a gymeradwyir*") means a disinfectant listed in schedule 1 to the Diseases of Animals (Approved Disinfectants) Order 1978(**2**), as being approved for use in respect of Foot-and-Mouth Disease Orders;

"breeding isolation facility" ("*cyfleuster ynysu ar gyfer bridio*") has the meaning assigned to it in article 3(3)(g)(i);

(**1**) 1981 c. 22. *See* section 86(1) for the definitions of "the Ministers" and "the Minister". Functions of "the Ministers", so far as exercisable by the Secretary of State for Wales in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); functions of "the Ministers", so far as 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). The 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).

(**2**) S.I. 1978/32 to which relevant amendments have been made by S.I. 1999/919 and, as regards Wales, by S.I.2001/641.

"Cattle Identification Regulations" ("*Rheoliadau Adnabod Gwartheg*") means the Cattle Identification Regulations 1998(**3**);

"cattle passport" ("*pasbort gwartheg*") has the meaning it is given in the Cattle Identification Regulations save that it shall not include a calf passport as defined in those Regulations;

"collecting centre" ("*canolfan gasglu*") means premises used for the intermediate reception of animals intended to be moved elsewhere and includes any place used, whether as a market or otherwise, for the sale or trading of animals but only where the animals being sold or traded are intended for immediate slaughter thereafter;

"controlled area order" ("*gorchymyn ardal a reolir*") means any declaratory order made under article 30 of the Foot-and-Mouth Disease Order 1983(**4**);

"CPH number" ("*rhif daliad*" and "*rhif y daliad*") means the farm holding number assigned from time to time to any premises or part of any premises by the National Assembly for Wales;

"disinfect" ("*diheintio*") means disinfect with an approved disinfectant;

"hunting" ("*hela*") means the use of hounds, beagles or other dogs for the purpose of hunting or coursing any deer, fox, mink, hare or rabbit or for hunting any drag or other trail;

"individual identification number" ("*rhif adnabod unigol*") has the same meaning as in the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(**5**);

"keeper" ("*ceidwad*") means any person having care and control of animals even on a temporary basis and includes, for the purposes of article 6(6)(a), any person transporting the animals;

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

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

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

"registered right of common" ("*hawl gofrestredig i gomin*") means a right of common registered under the Commons Registration Act 1965(**6**);

"S Mark" ("*Marc S*") has the same meaning as in the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002;

"Scottish Ministers" ("*Gweinidogion yr Alban*") has the meaning it is given in section 44 of the Scotland Act 1998(**7**);

"slaughterhouse" ("*lladd-dy*") has the meaning it is given in the Fresh Meat (Hygiene and Inspection) Regulations 1995(**8**);

"sole occupancy group" ("*grŵp meddianaeth unigol*") means any group of premises in relation to which an authority has been issued by the Secretary of State permitting movements between each of the premises in the group;

"tack land" ("*tir tac*") means land on to which animals belonging to another have been taken to be fed or pastured for reward by an agister; and

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

(**3**) S.I. 1998/871, as amended by S.I. 1998/1796, S.I. 1998/2969, S.I. 1999/1339 and as regards Wales by S.I. 2001/2360.
(**4**) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and further amended, as regards Wales, by S.I. 2001/572 (W.26), S.I. 2001/658 (W.33), S.I. 2001/968 (W.46), S.I. 2001/1033 (W.47) (itself amended by S.I. 2001/1234 (W.67)), S.I. 2001/1406 (W.93), S.I. 2001/1509 (W.106), S.I. 2001/1874 (W.134), S.I. 2001/2236 (W.162), S.I. 2001/2813(W.242), S.I. 2001/2981 (W.248), S.I. 2001/3145 (W.260), S.I. 2001/3706 (W.303), and S.I. 2001/4009 (W.335).
(**5**) S.I 2002/1357 (W.133).
(**6**) 1965 c. 64.
(**7**) 1998 c. 46.
(**8**) S.I. 1995/539, as last amended by S.I. 2002/118.

Restrictions on the movement of animals

3.—(1) Subject to the following provisions of this article, no person shall move an animal from any premises (in this article referred to as the "premises of origin") unless the following requirements are met—

(a) the movement is made under the authority of a licence issued by the National Assembly for Wales, the Secretary of State or an inspector and in accordance with the conditions thereof; and

(b) no animal has been moved on to the premises of origin (or other premises in the same sole occupancy group) during the period of 20 days before the day on which the first mentioned animal is to be moved (such period being referred to in this article as "the standstill period").

(2) The requirement contained in paragraph (1)(b) shall not apply—

(a) if the premises of origin are a market, collecting centre, artificial insemination centre, or place for veterinary treatment;

(b) if the movement is—

(i) of a pig—

(aa) as referred to in article 8(3)(b) of the Pigs (Records, Identification and Movement) Order 1995(**9**); or

(bb) to a market for pigs intended for immediate slaughter;

(ii) of an animal direct to a slaughterhouse, or to a collecting centre for animals intended for immediate slaughter, provided that in the latter case—

(aa) the collecting centre premises have not been and will not be used on the same day for a show or exhibition or for the sale or trading of animals otherwise than for immediate slaughter; and

(bb) all animals moved to the collecting centre are moved from there direct to a slaughterhouse;

(iii) of a calf less than 30 days old (for which a cattle passport has been issued and to which ear tags have been applied in accordance with article 3(3) of the Cattle Identification Regulations) from premises of origin which are either the premises on which the calf was born or other premises in the same sole occupancy group, save that this exemption shall not apply if—

(aa) any animal has been moved during the standstill period direct from a market on to the premises of origin or other premises in the same sole occupancy group;

(bb) the calf is being moved to a collecting centre or market; or

(cc) the calf is being moved to a show or exhibition;

(iv) of a lamb or kid less than 7 days old from premises of origin which are either the premises on which it was born or other premises in the same sole occupancy group to any other premises not more than 10 kilometres by road from the premises of origin, where this is for the purpose of fostering that lamb or kid;

(v) the return from tack land of a sheep to the premises from which it was originally moved or to other premises in the same sole occupancy group provided that the tack land was managed separately from and had a different CPH number from the remainder of any premises of which it was a part at all times during the period the sheep was there;

(**9**) S.I. 1995/11, as amended by S.I. 1995/2922 and, as regards Wales, by S.I. 2001/2662 and S.I. 2002/281.

(vi) of an animal between premises in a sole occupancy group in accordance with an authority issued by the National Assembly for Wales or the Secretary of State;

(vii) of an animal to a show or exhibition from another show or exhibition;

(viii) of an animal to a show or exhibition, otherwise than from another such event or in the circumstances referred to in paragraph (x), provided it has been isolated for the 20 days preceding the day of the movement from all other animals on the premises of origin and any other premises in the same sole occupancy group and has been identified, marked or tagged—

(aa) in the case of cattle in accordance with the requirements of the Cattle Identification Regulations;

(bb) in the case of a sheep or goat with an individual identification number; or

(cc) in the case of a deer in accordance with the requirements of the Tuberculosis (Deer) Order 1989(**10**);

(ix) of an animal to a show or exhibition from premises to which it has been moved from another show or exhibition, providing no other animal has been moved onto those premises (or other premises in the same sole occupancy group) during the period of 20 days before the day on which the first mentioned animal is to be moved;

(x) of an animal from a show or exhibition to anywhere other than another show or exhibition provided that for the 20 days following the movement from the show or exhibition—

(aa) it is not moved from the new premises except to another show or exhibition; and

(bb) while on the new premises it is isolated from all other animals;

(xi) of cattle from premises of origin in circumstances where—

(aa) the only movement of animals on to the premises of origin has been of a calf less than 30 days old brought from the premises on which it was born or from other premises in the same sole occupancy group;

(bb) the premises of origin are authorised to be used as a specialist calf rearing unit by a notice issued by a veterinary inspector, the National Assembly for Wales or the Secretary of State; and

(cc) the cattle to be moved have been issued with cattle passports and tagged in accordance with the Cattle Identification Regulations;

(xii) of an animal for direct export or to a collecting centre or assembly centre approved under regulation 12(2) of the Animal and Animal Products (Import and Export) (England and Wales) Regulations 2000(**11**) prior to such export;

(xiii) of an animal which has been imported into the United Kingdom direct to any premises from its point of entry into the United Kingdom;

(xiv) of an animal between land over which the owner or keeper of the animal has a registered right of common and—

(aa) premises occupied by the owner or keeper of the animal and in relation to which the registered right of common is customarily exercised; or

(**10**) S.I. 1989/878, to which relevant amendments are made by S.I. 1993/2010.
(**11**) S.I. 2000/1673, as amended by S.I. 2000/2266, S.I. 2000/2524, S.I. 2000/2900 and 2000/3128 and as regards Wales only, S.I. 2002/1039.

(bb) premises occupied by any other person who has a registered right of common over that land and in relation to which the registered right of common is customarily exercised;

(xv) of an animal between premises occupied by the owner or keeper of the animal and in relation to which a registered right of common over land is customarily exercised and premises occupied by any other person who has a registered right of common over that land and in relation to which the registered right of common of that other person is customarily exercised;

(xvi) of pigs, cattle, or sheep to an artificial insemination centre, provided, in the case of sheep, that they have been isolated for the 20 days preceding the movement from all other animals on the premises of origin and any other premises linked to them in a sole occupancy group;

(xvii) of pigs, sheep, goats, cattle or deer to a place for veterinary treatment provided (except in the case of pigs) that the animals will be isolated from all other animals there whilst the treatment is carried out;

(xviii) of a bull or ram or a deer of either sex, otherwise than from a market, for breeding purposes, provided it is identified, marked or tagged—

(aa) in the case of a bull in accordance with the requirements of the Cattle Identification Regulations;

(bb) in the case of a ram with an individual identification number; or

(cc) in the case of a deer in accordance with the requirements of the Tuberculosis (Deer) Order 1989;

and, in the case of a ram, has been isolated for the 20 days before the movement from all other animals on the premises of origin and any other premises linked to them in a sole occupancy group and provided further that immediately following the arrival of the bull, deer or ram at the premises to which it is moved, its owner or keeper signs a declaration that it is to be used for breeding purposes;

(xix) of a goat of either sex, otherwise than from a market, for breeding purposes where the goat is identified with an individual identification number provided—

(aa) it has been isolated for the 20 days before the movement from all other animals on the premises of origin and any other premises in the same sole occupancy group; or

(bb) if it has been isolated on the premises of origin for less than that 20 day period, it is moving to other premises where it had previously been sent for breeding purposes and from which it was returned immediately prior to being so isolated,

and provided further that a declaration is signed by its owner or keeper immediately following its arrival at the premises to which it is moved that the goat has been moved for breeding purposes;

(xx) of sheep returning from premises to which they were moved solely for the purposes of taking part in a sheep dog trial there; or

(xxi) of an animal being moved to a laboratory for diagnostic tests to be carried out to ascertain whether the animal is affected by or has been exposed to a disease; or

(c) if a permit disapplying the standstill period has been issued by a veterinary inspector in relation to the movement.

(3) For the purposes of paragraph (1)(b) no account shall be taken of the movement on to the premises of origin or other premises in the same sole occupancy group of—