Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

ANIMALS, ENGLAND AND WALES

The Animal Health Act 1981 (Amendment) Regulations 2005

Made - - - -	*2005*
Coming into force - -	*10th January 2006*

The Secretary of State, in relation to England, and the National Assembly for Wales, in relation to Wales, each being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred on them by that section 2(2), make the following Regulations;

A draft of these Regulations has, under paragraph 2(2) of Schedule 2 to that Act, been laid before, and approved by resolution of, each House of Parliament:

Title, extent and commencement

1.—(1) These Regulations may be cited as the Animal Health Act 1981 (Amendment) Regulations 2005.

(2) They extend to England and Wales and come into force on 10th January 2006.

Amendment to the Animal Health Act 1981

2. Before paragraph 3 of Schedule 3 to the Animal Health Act 1981 (but after the cross-heading "Foot-and-mouth disease") insert—

"**2A.**—(1) This paragraph applies to any premises which are declared by the relevant authority to be infected premises under any provision which gives effect in relation to England or Wales to Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease(**3**).

(2) Subject to sub-paragraphs (3) and (5), the relevant authority must cause to be slaughtered all susceptible animals kept on the premises.

(3) The relevant authority may decide not to slaughter susceptible animals kept in—

(**1**) S.I. 1972/1811 and 2005/1971
(**2**) 1972 c.68.
(**3**) OJ No. L306, 22.11.2003, p1.

(a) a laboratory, zoo, wildlife park or other premises where animals are kept principally for the purposes of display and education of the public, or an enclosed area principally used for shooting; or

(b) premises not falling within (a) of a body, institute or centre which—

(i) keeps animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research, and

(ii) is approved by the relevant authority in relation to those animals in accordance with any provision which gives effect in relation to England or Wales to Article 13(2) of Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive 90/425/EEC(**4**); or

(c) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources.

(4) Before considering a decision not to slaughter susceptible animals under sub-paragraph (3), the relevant authority must be satisfied that—

(a) basic European Community interests are not endangered (and in particular it shall take into account any threat of the spread of foot-and-mouth disease to other member States); and

(b) adequate measures are in place to prevent any risk of spreading foot-and-mouth disease virus.

(5) If the premises consist of two or more separate production units (by virtue of a declaration under sub-paragraph (6)), the relevant authority may decide not to slaughter susceptible animals kept on free units of those premises.

(6) The relevant authority may by notice served on the occupier declare in respect of any premises that those premises are to be regarded as two or more separate production units.

(7) A declaration under sub-paragraph (6) shall not be made unless the Chief Veterinary Officer has advised the relevant authority at the time of a veterinary inquiry into the premises that in her opinion—

(a) the structure, including the administration, and size of the premises allow in each separate unit for a complete separation of housing and keeping (including air space) for their susceptible animals;

(b) the operations on each separate unit, and in particular stable and pasture management, milking, feeding, and removal of dung or manure are completely separated and carried out by different personnel;

(c) the machinery, non-susceptible working animals, equipment, installations, instruments and disinfection facilities used in each separate unit are completely separate; and

(d) each of paragraphs (a)-(c) has applied continuously for at least—

(i) 28 days immediately prior to the earliest date on which the premises were infected with foot-and-mouth disease, if only bovine animals or swine have been kept on the premises within that period, or

(ii) 42 days immediately prior to that date, in any other case.

(**4**) OJ No. L268, 14.9.1992, p54.