
STATUTORY INSTRUMENTS

2006 No. 182

The Foot-and-Mouth Disease (England) Order 2006

PART 2

Notification, suspicion and investigation of disease

Notification of disease or suspected disease

9.—(1) Subject to paragraph (6), a person who has in his possession or charge an animal or carcase which is infected or suspected of being infected shall immediately notify the [^{F1}Secretary of State] .

(2) Subject to paragraph (6), a person who in the course of his occupation discovers that an animal or carcase not in his possession or charge is infected or suspected of being infected shall immediately notify the [^{F1}Secretary of State] .

(3) If the occupier of any premises notifies the [^{F1}Secretary of State] under this article of an animal or carcase at those premises Schedule 1 shall then apply in respect of those premises.

(4) Any constable who receives notification of disease under section 15(1) of the Act shall immediately inform the [^{F1}Secretary of State] .

[^{F2}(5) Where notification is received under this article from a person other than the occupier of the premises where the relevant animal or carcase is located, a veterinary inspector may serve a notice on the occupier informing the occupier that—

- (a) notification has been received under this article; and
- (b) Schedule 1 applies in relation to the premises.]

(6) Paragraphs (1) and (2) do not apply to a person in possession of or carrying the disease pathogen in accordance with the terms of a licence granted under the Specified Animal Pathogens Order 1998(1).

Textual Amendments

F1 Words in art. 9(1)-(4) substituted (1.11.2009) by [Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, 2(1), **Sch. 1**

F2 [Art. 9\(5\)](#) substituted (1.11.2009) by [Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, **7(2)**

Notice of suspicion of disease

10.—(1) If an inspector knows or suspects that disease exists or has in the previous 56 days been present on any premises, he shall immediately serve a notice on the occupier stating that fact and Schedule 1 shall then apply in respect of those premises.

(2) If an inspector knows or suspects that an animal suspected of being contaminated is on any premises, he shall immediately serve a notice on the occupier stating that fact and Schedule 1 shall then apply in respect of those premises.

Suspicion of disease in animals in transit

11.—(1) If an inspector knows or suspects that an animal in transit is infected or contaminated he shall immediately serve a notice on the keeper of the animal (if present) and on the person in charge of the vehicle—

- (a) stating that fact;
- (b) directing the transport of the animal and any animal with it to such premises as he considers fit; and
- (c) detaining any vehicle, equipment or other thing suspected of contamination at a suitable place until it has been cleansed and disinfected.

(2) The inspector shall ensure that the occupier of premises to which animals are directed is served with a notice on their arrival stating that those premises are under restriction and Schedule 1 shall then apply in respect of those premises.

(3) The person in charge of any vehicle detained under paragraph (1)(c) shall cleanse and disinfect it without delay in accordance with Schedule 2 to the Transport of Animals (Cleansing and Disinfection) (England) (No. 3) Order 2003(2) and with any additional requirements an inspector imposes by serving a notice on him.

(4) The person in charge of any equipment or other thing detained under paragraph (1)(c) shall cleanse and disinfect it in accordance with the directions of an inspector.

Veterinary inquiry into the existence of disease and declaration of suspect premises and infected premises

12.—(1) The Chief Veterinary Officer shall ensure that the presence or suspicion of infection or contamination is investigated in accordance with this article by a veterinary inspector as soon as is reasonably practicable.

(2) The Chief Veterinary Officer shall ensure that the presence or absence of disease on every premises in a temporary control zone where susceptible animals are kept or have in the 56 days before the declaration of that zone been kept is investigated in accordance with this article by a veterinary inspector as soon as is reasonably practicable.

(3) The veterinary inspector investigating shall take all steps he considers necessary to determine whether disease exists or has in the 56 days before the commencement of the investigation existed on the premises, and the related circumstances.

(4) Subject to paragraph (5), in taking such steps he shall ensure that any samples necessary for that determination are taken.

(5) Sampling shall not be considered necessary on premises which the Chief Veterinary Officer considers to be epidemiologically linked with a primary source of disease for which samples have already been taken.

(6) The veterinary inspector investigating may mark any animal, carcase or other thing liable to spread disease found on the premises.

(7) If the veterinary inspector investigating considers it necessary to submit a serological sample for testing to determine whether disease exists or has in the 56 days before the investigation existed on the premises, he shall declare the premises to be suspect premises.

(8) The veterinary inspector investigating shall communicate to the Chief Veterinary Officer his opinion as to whether disease exists or has in the 56 days before the investigation existed on any premises under inquiry.

(9) If his opinion is that disease exists or has in the 56 days before the investigation existed on any premises the officer investigating shall also communicate to the Chief Veterinary Officer his opinions on at least the following—

- (a) the earliest date disease was present there;
- (b) the origin of disease;
- (c) any premises which may have been contaminated from the same origin;
- (d) the extent to which animals other than bovine animals or swine may have been infected or contaminated;
- (e) any premises to or from which disease may have been carried;
- (f) any other premises which he suspects to be contaminated;
- (g) whether any premises under inquiry comprise two or more separate production units because they comply with the criteria in paragraph 2A(7) of Schedule 3 to the Act,

and in sub-paragraphs (c), (e) and (f), “premises” includes premises outside England.

(10) The Chief Veterinary Officer shall consider and may confirm every opinion communicated to her under this article.

(11) If the Chief Veterinary Officer concludes after consideration of any opinion communicated to her under this article that one or more of the criteria in Schedule 2 are satisfied in respect of any premises she shall confirm disease there.

(12) If the Chief Veterinary Officer confirms disease at any premises the Secretary of State shall declare those premises to be infected premises.

(13) A declaration under paragraph (7) or (12) shall be by notice served on the occupier.

(14) Any infected premises is an infected place for the purposes of the Act.

Separate production units

13.—(1) The Secretary of State may by notice served on the occupier of any premises investigated under article 12 (other than infected premises) declare that they are to be regarded as two or more separate production units if the Chief Veterinary Officer advises at the time of the veterinary inquiry that in her opinion—

- (a) the premises comply with the criteria in paragraphs (a)-(c) of paragraph 2A(7) of Schedule 3 to the Act; and
- (b) each of those paragraphs has applied continuously for at least—
 - (i) 28 days immediately prior to the date of the inquiry, if only bovine animals or swine have been on the premises within that period, or
 - (ii) 42 days immediately prior to that date in any other case.

(2) A declaration under paragraph (1) shall identify, and designate the boundaries of, each separate unit and shall declare every separate unit which is free of disease to be a free unit.

(3) A unit shall cease to be a free unit on—

- (a) amendment of the notice declaring it such that it is no longer declared to be a free unit; or
- (b) revocation of that notice.

Tracing of possible disease spread

14.—(1) The Secretary of State shall declare premises (other than infected premises) to be suspect premises if the Chief Veterinary Officer advises that she suspects them of contamination from premises already declared to be suspect premises or from a suspected case of disease outside England.

(2) The Secretary of State shall declare premises (other than infected premises or suspect premises) to be contact premises if the Chief Veterinary Officer advises either—

(a) that disease may have been carried there from any premises, or

(b) that disease may have been carried to any premises from there,

and in sub-paragraphs (a) and (b) “premises” includes premises outside England.

(3) Declarations under this article shall be by notice served on the occupier.

(4) The Secretary of State shall ensure that any premises declared to be suspect premises or contact premises under this article are subjected to investigation in accordance with article 12 as soon as is reasonably practicable.

(5) Where, following a declaration under article 13(1), premises are to be regarded as consisting of separate production units the Secretary of State shall amend any declaration under paragraph (2) to specify to or from which units disease may have been carried and only those units specified shall form the contact premises.

(6) Schedule 1 applies in respect of suspect premises or contact premises declared under this article.

Maintenance of measures in respect of premises

15.—(1) If premises are declared to be infected premises, they shall no longer be suspect premises or contact premises.

(2) Schedule 1 shall continue to apply to premises if they are declared to be infected premises.

(3) The Secretary of State shall not revoke any notice declaring premises to be suspect premises until she is advised by the Chief Veterinary Officer that she no longer suspects infection or contamination there.

(4) The Secretary of State shall not revoke any notice declaring premises to be contact premises until she is advised by the Chief Veterinary Officer that she no longer suspects that disease may have been carried there or from there.

(5) The Secretary of State shall not revoke any notice declaring premises to be infected premises until completion of the final cleansing and disinfection measures in paragraphs 15 to 17 of Schedule 3.

Declaration of a temporary control zone

16.—(1) On the declaration of any suspect premises the Secretary of State [^{F3}may] also declare an area around those premises of such size as she considers fit to prevent the spread of disease to be a temporary control zone.

(2) If the Secretary of State is satisfied that an animal or carcass in Scotland or Wales is suspected of being infected or contaminated, she may declare a temporary control zone of such size as she considers fit to prevent the spread of disease.

(3) An area shall remain a temporary control zone (or part of one) until—

(a) it becomes part of a protection zone or a surveillance zone; or

- (b) the Secretary of State is advised by the Chief Veterinary Officer that she no longer suspects infection there.
- (4) If the Secretary of State is advised as mentioned in paragraph (3)(b)—
 - (a) she shall revoke the declaration creating the temporary control zone in question if the area comprises the whole of that zone; or
 - (b) if the area does not comprise the whole of that zone, she shall amend the declaration so as to exclude that area.
- (5) Any amendment or revocation of a declaration creating a temporary control zone shall refer to that declaration and state the date and time it is to take effect.
- (6) Any premises which are partly inside and partly outside a temporary control zone shall be deemed to be wholly inside it.

Textual Amendments

- F3** Word in [art. 16\(1\)](#) substituted (21.4.2021) by [The Specified Diseases \(Notification and Control\) \(Amendment, etc.\) \(England\) Order 2021 \(S.I. 2021/443\)](#), arts. 1(1), 6

Measures applicable in respect of a temporary control zone

- 17.—**(1) No person shall move any susceptible animal into or out of a temporary control zone, except where the movement is—
- (a) through the zone without stopping; or
 - (b) necessary to complete a journey started before the creation of the zone.
- (2) Subject to paragraph (3), no person shall move any susceptible animal from or to premises in a temporary control zone (without leaving that zone) except to complete a journey started before the creation of that zone or under the authority of a licence granted by an inspector.
- (3) The Secretary of State may, after considering the factors in paragraph (4), declare that instead of the restriction in paragraph (2) all the following measures apply in a temporary control zone—
- (a) the occupier of any premises in the zone where susceptible animals are kept shall create and maintain a record in accordance with paragraph 1 of Schedule 1;
 - (b) the occupier of any premises in the zone where susceptible animals are kept shall isolate animals in accordance with paragraph 3(1) of that Schedule;
 - (c) paragraphs 4 to 7 and 10 and 11 of that Schedule apply to premises in the zone where susceptible animals are kept.
- (4) When considering a declaration under paragraph (3), the Secretary of State shall take into account the following factors in respect of the temporary control zone—
- (a) the density of the population of susceptible animals;
 - (b) the intensity of movements of animals or persons having contact with susceptible animals;
 - (c) any suspected delay in detecting suspicion of infection or contamination;
 - (d) the information available to her as to the possible origin and method of introduction of the disease virus; and
 - (e) any other factor she considers relevant in deciding whether such a declaration will help prevent the spread of disease and is reasonable in the circumstances.
- (5) The measures in paragraphs (2) and (3) apply—
- (a) subject to article 20(2)(b); and

- (b) in addition to any requirement or restriction which applies in any part of a temporary control zone because that part falls within—
 - (i) a vaccination zone or vaccination surveillance zone, or
 - (ii) a wild animal infected zone.

Supplementary measures in respect of a temporary control zone: straying of susceptible animals

18.—(1) The keeper of a susceptible animal in a temporary control zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a temporary control zone.

Declaration of supplementary movement control zone

19.—(1) When a temporary control zone has been declared, the Secretary of State may also declare a supplementary movement control zone which—

- (a) shall be of such size as she considers fit to prevent the spread of disease; and
 - (b) shall include that temporary control zone.
- (2) An area shall remain a supplementary movement control zone (or part of one) until—
- (a) it becomes part of a protection zone or a surveillance zone;
 - (b) the temporary control zone included within it ceases to have effect;
 - (c) the Secretary of State amends the declaration of the supplementary movement control zone so as to exclude that area; or
 - (d) the Secretary of State revokes the declaration of the supplementary movement control zone.
- (3) Any amendment or revocation of a declaration creating a supplementary movement control zone shall refer to that declaration and state the date and time it is to take effect.
- (4) Any premises which are partly inside and partly outside a supplementary movement control zone shall be deemed to be wholly inside it.
- (5) A supplementary movement control zone applies in respect of—
- (a) susceptible animals; and
 - (b) any class of non-susceptible animal specified in the declaration in question during a period also specified in that declaration which period shall not exceed 72 hours from the time the declaration was made.

Measures applicable in respect of a supplementary movement control zone

20.—(1) No person shall move any animal in respect of which a supplementary movement control zone applies from or to any premises in such a zone or into or out of such a zone except where the movement is—

- (a) through the zone without stopping;
 - (b) necessary to complete a journey started before the creation of the zone; or
 - (c) the movement of a horse for veterinary treatment under the authority of a licence granted by an inspector.
- (2) Paragraph (1) applies—
- (a) without prejudice to article 17(1);

- (b) in a temporary control zone in place of article 17(2) or, where a declaration under article 17(3) has been made, paragraph 4 of Schedule 1; and
- (c) in addition to any requirement or restriction which applies in any part of a supplementary movement control zone because that part falls within—
 - (i) a vaccination zone or vaccination surveillance zone, or
 - (ii) a wild animal infected zone.
- (3) Any inspector granting a licence under paragraph (1)(c) shall take account of the recommended measures in paragraph 2.1 of Annex VI to the Directive.

[^{F4}Diagnostic tests

20A.—(1) The national reference laboratory must use the diagnostic tests in the OIE manual which constitute the reference tests for vesicular disease diagnosis.

(2) The use of a test not included in the OIE manual is permitted only when the performance of the test in question demonstrates that it matches or exceeds the sensitivity and specificity parameters set down in—

- (a) the OIE manual; or
- (b) national accreditation standards.]

Textual Amendments

F4 Art. 20A inserted (21.12.2021) by [The Exotic Animal Disease \(Amendment\) \(England\) Order 2021 \(S.I. 2021/1472\)](#), arts. 1(1), **2(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Foot-and-Mouth Disease (England) Order 2006, PART 2.