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WELSH STATUTORY INSTRUMENTS

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**2006 No. 179**

**The Foot-and-Mouth Disease (Wales) Order 2006**

**PART 3**

Measures following confirmation of disease

**Tracing of products originating on infected premises**

**21.** The National Assembly must—

- (a) trace all milk, milk products, meat, meat products, carcasses, hides and skins and wool derived from susceptible animals originating on infected premises and direct the person in charge to arrange for the treatment, disposal or destruction of such items;
- (b) trace all semen, ova and embryos collected from susceptible animals originating on infected premises and direct the person in charge to dispose of such items;

and that person must comply with those directions.

**Notice of intention to slaughter animals**

**22.**—(1) Subject to paragraph (2), before causing the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act, the National Assembly must serve notice of its intention to cause such slaughter—

- (a) on the occupier of the premises where the animals are kept, or
- (b) where the animals are in transit, on the person in charge of them.

(2) This article does not apply where the National Assembly intends to cause slaughter of a stray or feral animal detained by an inspector under article 18(2) or under paragraph 2(2) of Schedule 4 or paragraph 5(2) of Schedule 6.

**Sampling and clinical examination of susceptible animals before slaughter**

**23.** Where the National Assembly serves notice of its intention to cause slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act, it must ensure that any sampling and clinical examination it considers necessary to carry out the veterinary inquiry in article 12 is undertaken before, or immediately following, slaughter.

**Place of slaughter**

**24.**—(1) This article applies where the National Assembly serves notice of its intention to cause slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act.

(2) Where the animals to be slaughtered are on premises slaughter must take place there without delay except where—

- (a) in the opinion of the National Assembly slaughter on those premises would be an unsatisfactory method of preventing the spread of disease, or

(b) the premises are a slaughterhouse or border inspection post, in which cases the National Assembly may direct that slaughter be carried out at another place it considers satisfactory for the purpose of preventing the spread of disease.

(3) Where the animals to be slaughtered are in transit, they must be transported to another place at the direction of the National Assembly as soon as is reasonably practicable.

(4) In directing transport to another place under this article the National Assembly must grant a licence under paragraphs 4(6), 7(d) and 10(b) of Schedule 2 authorising movement of the animals, persons or vehicles necessary for that action.

#### **Slaughter: control of carcasses**

**25.**—(1) This article applies to premises where the National Assembly has caused slaughter under paragraph 2A or 3 of Schedule 3 to the Act.

(2) No person is permitted to move any carcase of a susceptible animal from premises to which this article applies except for disposal and under the authority of a licence granted by the National Assembly.

#### **Slaughter: control of faecal material**

**26.**—(1) This article applies to premises where the National Assembly has caused slaughter under paragraph 2A or 3 of Schedule 3 to the Act.

(2) No person is permitted move any dung, manure, slurry or litter of susceptible animals from premises to which this article applies except—

- (a) for disposal and under the authority of a licence granted by the National Assembly, or
- [<sup>F1</sup>(b) for treatment of such material from a slaughterhouse or border inspection post in accordance with Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 and under the authority of a licence granted by the National Assembly.]

#### **Textual Amendments**

- F1** Art. 26(2)(b) substituted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), reg. 1(2)(3), [Sch. 2 para. 1\(3\)](#)

#### **Slaughter: isolation of things liable to spread disease**

**27.**—(1) This article applies to the occupier of—

- (a) any premises, other than a slaughterhouse or border inspection post, where the National Assembly has caused slaughter under paragraph 2A, 3(1)(a) or 3(1)(b) of Schedule 3 to the Act, and
- (b) any premises where the National Assembly has caused slaughter under paragraph 3(1)(c) of Schedule 3 to the Act, in a case where it directs that this article applies, and
- (c) any slaughterhouse or border inspection post where the National Assembly has caused slaughter under paragraph 2A or 3 of Schedule 3 to the Act, in a case where it directs that this article applies.

(2) Subject to paragraph (3) a person to whom this article applies must isolate all milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, animal feed and litter on the premises from any animal until—

- (a) the National Assembly declares by notice served on that person that all such items are free of contamination, or
  - (b) all such items have been treated in accordance with its directions, or
  - [<sup>F2</sup>(c) the National Assembly grants a licence authorising any such item to be removed from the premises to be treated in accordance with Regulation (EC) No. 1069/2009 following which any such item may then be removed and treated in that way and in accordance with the conditions of that licence.]
- (3) Paragraph (2) does not apply to milk on free units where this is authorised by a licence granted by the National Assembly and such licence must contain terms requiring that—
- (a) where it is for human consumption, milk is subjected to one of the treatments in paragraph 13 of Schedule 5; or
  - (b) where it is not for human consumption, milk is subjected to one of the treatments in paragraph 14 of Schedule 5.

#### Textual Amendments

- F2** Art. 27(2)(c) substituted (28.3.2014) by The Animal By-Products (Enforcement) (Wales) Regulations 2014 (S.I. 2014/517), reg. 1(2)(3), Sch. 2 para. 1(4)

#### **Slaughter: cleansing and disinfection of premises other than slaughterhouses and border inspection posts**

**28.**—(1) This article applies to any premises, other than a slaughterhouse or border inspection post, to which article 27 applies after disposal of all carcasses in accordance with article 25, and isolation of the items referred to in article 27(2).

(2) The National Assembly must ensure that the following parts of premises to which this article applies are cleansed and disinfected in accordance with Schedule 1—

- (a) all buildings, parts of the premises and vehicles used to carry susceptible animals and any other thing or place on the premises which may be contaminated; and
- (b) where the National Assembly reasonably suspects that any part of the premises normally used by humans to the exclusion of animals (including a dwelling) is contaminated with disease, that part of the premises.

#### **Slaughter: cleansing and disinfection of slaughterhouses and border inspection posts**

**29.**—(1) This article applies to a slaughterhouse or border inspection post where the National Assembly has caused slaughter under paragraph 2A or 3 of Schedule 3 to the Act, after the disposal of all carcasses in accordance with article 25 and, if article 26(2)(a) applies, removal for disposal of the items referred to in that paragraph.

(2) The National Assembly must ensure that—

- (a) every building and place, any equipment, vehicle and any other thing liable to spread disease on premises to which this article applies are cleansed and disinfected in accordance with Schedule 1, and
- (b) no person moves any animal on to the premises until at least 24 hours after completion of the final measures in paragraph 17 of Schedule 1.

### **Restocking of premises following slaughter**

**30.**—(1) This article applies to any premises where the National Assembly has caused slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act.

(2) No person is permitted to restock premises to which this article applies except under the authority of a licence granted by the National Assembly and in accordance with Schedule 8.

(3) No licence is to be granted allowing re-stocking to commence—

- (a) on premises to which paragraph 22 of Schedule 1 applies until one year has elapsed following completion of such cleansing and disinfection as is undertaken, or
- (b) otherwise until 21 days after completion of the final cleansing and disinfection measures in paragraph 17 of Schedule 1 on the premises.

### **Declaration of protection and surveillance zones on confirmation of the disease in Wales**

**31.**—(1) The National Assembly must, on confirmation by the Chief Veterinary Officer of the disease on premises in Wales, other than—

- (a) a slaughterhouse or border inspection post, or
- (b) premises to which infected or contaminated animals have been transported under article 11(1)(b),

declare a protection zone and an associated surveillance zone, each of such size as it considers necessary so as to prevent the spread disease.

(2) The National Assembly may, on confirmation by the Chief Veterinary Officer of disease—

- (a) at a slaughterhouse or border inspection post in Wales, or
- (b) at premises in Wales to which infected or contaminated animals have been transported under article 11(1)(b),

declare a protection zone and an associated surveillance zone, each of such size as it considers necessary to prevent the spread of disease.

(3) A declaration under this article must designate—

- (a) the extent of the protection zone which must be centred on infected premises and of three kilometres minimum radius; and
- (b) the extent of the surveillance zone which must be centred on the same premises and of ten kilometres minimum radius.

### **Declaration of protection and surveillance zones on confirmation of the disease in England or Scotland**

**32.**—(1) This article applies if the National Assembly is satisfied that disease is present in England or Scotland.

(2) If the National Assembly is satisfied that disease is present on premises (other than a slaughterhouse or border inspection post) in England—

- (a) it must declare a protection zone if these premises are within 3 kilometres of the border with Wales, and
- (b) it must declare a surveillance zone if these premises are within 10 kilometres of that border.

(3) If the National Assembly is satisfied that disease is present at—

- (a) any premises in England or Scotland further than ten kilometres from the border with Wales, or

- (b) a slaughterhouse or border inspection post in England within ten kilometres of the border with Wales,

it may declare a protection zone, a surveillance zone, or both, in Wales.

(4) A protection or surveillance zone declared under this article is to be in such part of Wales and of such size as the National Assembly considers necessary so as to prevent the spread of disease.

[<sup>F3</sup>(5) In this article, “border inspection post” means one that has been listed in Commission Decision 2009/821/EC drawing up a list of approved border inspection posts.]

#### Textual Amendments

- F3** Art. 32(5) substituted (28.3.2019) by [The Rural Affairs, Environment, Fisheries and Food \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2019 \(S.I. 2019/463\)](#), regs. 1(3), 5(3)

### Protection and surveillance zones: general provisions

**33.**—(1) Any premises which are partly inside and partly outside a protection zone are deemed to be wholly inside that zone.

(2) Any premises which are partly inside and partly outside a surveillance zone are deemed to be wholly inside that zone (except premises which are also partly inside a protection zone).

(3) Any protection zone or surveillance zone is an infected area for the purposes of the Act.

### Measures applicable in respect of protection and surveillance zones

**34.**—(1) The measures in Parts 1 and 2 of Schedule 4 apply in respect of a protection zone and those in Parts 1 and 3 of Schedule 4 apply in respect of a surveillance zone.

(2) The National Assembly may declare that any other measure it considers necessary so as to prevent the spread of disease is to apply in respect of the whole or any part of any protection or surveillance zone and any such measure will then apply in respect of that protection or surveillance zone or that part of it.

(3) The National Assembly must take into account the recommended measures in paragraph 2.2 of Annex VI to the Directive before restricting the movement of horses in a surveillance zone by a declaration under paragraph (2).

### Veterinary inspection of premises in protection and surveillance zones

**35.**—(1) The National Assembly must ensure that every premises within a protection zone or a surveillance zone where susceptible animals are kept is inspected by a veterinary inspector as regularly as it considers necessary to prevent spread of disease.

(2) A veterinary officer inspecting premises under this article must ensure that the inspection includes—

- (a) clinical inspection of all susceptible animals, and
- (b) inspection of the records required to be created and maintained by paragraph 1 of Schedule 4.

### **Power to prohibit entry to land or agricultural buildings in a protection zone**

**36.**—(1) Subject to paragraph (2), and with the prior written consent of the National Assembly, an inspector may, notwithstanding the existence of any public footpath or other right of way, prohibit the entry of any person—

- (a) onto any land (excluding buildings but including any common, unenclosed or waste land), or
- (b) into any agricultural building,

in a protection zone by causing a notice to that effect to be displayed at every entrance to that land or building.

(2) No person is permitted to enter any land or building in respect of which a notice is displayed under paragraph (1) other than—

- (a) the owner of any animal on that land or in that building or a person authorised by him, who enters for the purpose of tending that animal, or
- (b) a person entering under the authority of a licence granted by an inspector.

(3) No person is permitted to remove or alter a notice displayed under this article except at the direction of an inspector.

(4) Any prohibition on entry to land or buildings imposed under this article is revoked by termination of the protection zone.

(5) Any prohibition on entry to land or buildings imposed under this article may be revoked in whole or in part by—

- (a) removal of all relevant notices in accordance with the directions of an inspector, or
- (b) a declaration of the National Assembly.

### **Termination of protection and surveillance zones**

**37.**—(1) The National Assembly may, where it is satisfied that the conditions in paragraph (2) are met, declare the termination of a protection zone.

(2) The conditions for termination of a protection zone are—

- (a) at least 15 days have elapsed since completion of any preliminary cleansing and disinfection in that protection zone; and
- (b) a survey of all susceptible animals to substantiate the absence of infection has been carried out on behalf of the National Assembly in that protection zone with negative results.

(3) On termination of any protection zone, the area within its boundaries will become part of the associated surveillance zone.

(4) The National Assembly may, where it is satisfied that the conditions in paragraph (5) are met, declare the termination of a surveillance zone.

(5) The conditions for termination of a surveillance zone are—

- (a) at least 30 days have elapsed since completion of any preliminary cleansing and disinfection in the area within the boundaries of that surveillance zone; and
- (b) its associated protection zone has been terminated; and
- (c) a survey of susceptible animals to substantiate the absence of infection has been carried out in that surveillance zone since the termination of the associated protection zone on behalf of the National Assembly with negative results.

(6) A declaration under this article must refer to the declaration creating the protection and surveillance zones and specify the date and time the protection zone or surveillance zone is to terminate.

(7) In this article, “preliminary cleansing and disinfection” means cleansing and disinfection required by article 28 or 29, undertaken in accordance with paragraphs 12 and 13 of Schedule 1 and ending 24 hours after the application of disinfectant.

### **Declaration of restricted zone**

**38.**—(1) Without prejudice to paragraph (2) the National Assembly may, on confirmation by the Chief Veterinary Officer of the disease on premises in Great Britain, declare a restricted zone in such part of Wales and of such size as it considers necessary to prevent the spread of disease.

(2) The National Assembly must declare a restricted zone in Wales if the Chief Veterinary Officer advises it that in his or her opinion disease has become extensive in Great Britain and the declaration of such a zone would prevent its spread.

(3) A restricted zone must remain in effect until—

- (a) such date as may be stated in the declaration; or
- (b) it is removed by further declaration of the National Assembly.

(4) Any premises which are partly inside and partly outside a restricted zone are deemed to be wholly inside that zone except premises which are also partly inside—

- (a) a temporary control zone; or
- (b) a supplementary movement control zone;
- (c) a protection zone;
- (d) a surveillance zone;
- (e) a vaccination zone;
- (f) a vaccination surveillance zone; or
- (g) a wild animal infected zone.

### **Measures applicable in respect of a restricted zone**

**39.**—(1) The measures in Schedule 6 apply in respect of a restricted zone but without prejudice to any requirements or restriction applying in any part of it because that part falls within a zone listed in paragraph 38(4).

(2) The National Assembly may declare that any other measure it considers necessary so as to prevent the spread of disease applies in respect of the whole or any part of any restricted zone and any such measure will then apply in respect of that restricted zone or that part of it.

### **Presence of the disease in wild animals and declaration of a wild animal infected zone**

**40.**—(1) The National Assembly must, on confirmation of the disease in any wild animal in Wales, declare a wild animal infected zone in Wales.

(2) The National Assembly may, if it is satisfied that disease is present in a wild animal in England or Scotland, declare a wild animal infected zone in Wales.

(3) A wild animal infected zone may be declared in such part of Wales and of such size as the National Assembly considers necessary to prevent the spread of disease.

(4) A wild animal infected zone must remain in effect until—

- (a) such date as may be stated in the declaration; or

- (b) it is removed by further declaration of the National Assembly.
- (5) Any premises which are partly inside and partly outside a wild animal infected zone are deemed to be wholly inside that zone.
- (6) Any wild animal infected zone is an infected area for the purposes of the Act.

**Measures applicable in a wild animal infected zone**

**41.**—(1) The measures in Schedule 7 apply in respect of a wild animal infected zone but without prejudice to any measures applying in any part of it because that part falls within—

- (a) a protection zone,
- (b) a surveillance zone,
- (c) a vaccination zone, or
- (d) a vaccination surveillance zone.

(2) The National Assembly may declare that any other measure it considers necessary so as to prevent the spread of disease applies in respect of the whole or any part of any wild animal infected zone and any such measure will then apply in respect of that wild animal infected zone or part of it.



**Changes to legislation:**

There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006, PART 3 .