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## SCHEDULES

### SCHEDULE 3

Section 31.

#### POWER TO SLAUGHTER IN RELATION TO CERTAIN DISEASES

##### *Cattle plague*

- 1 (1) The Minister shall cause to be slaughtered all animals affected with cattle plague.
- (2) Where an animal is or has been in the same shed, stable, herd or flock as, or in contact with, an animal affected with cattle plague, the Minister may, if he is satisfied that the slaughter of the animal is necessary for preventing the spreading of cattle plague, cause the animal to be slaughtered.
- (3) The Minister may, if he thinks fit, in any case cause to be slaughtered—
  - (a) any animals suspected of being affected with cattle plague, or being in a place infected with cattle plague;
  - (b) any animals being in such parts of an area infected with cattle plague as are not comprised in a place infected with cattle plague (but in this last-mentioned case subject to such regulations as the Treasury by statutory instrument think fit to make).
- (4) The Minister shall for animals slaughtered under this paragraph pay compensation as follows—
  - (a) where the animal slaughtered was affected with cattle plague, the compensation shall be one half of its value immediately before it became so affected, but so that the compensation does not in any such case exceed £20; and
  - (b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation does not in any case exceed £40.

##### *Pleuro-pneumonia*

- 2 (1) The Minister shall cause to be slaughtered all cattle affected with pleuro-pneumonia.
- (2) The Minister may, if he thinks fit, in any case cause to be slaughtered—
  - (a) any cattle suspected of being affected with pleuro-pneumonia; and
  - (b) any cattle which are or which have been in the same field, shed, or other place, or in the same herd or otherwise in contact with cattle affected with pleuro-pneumonia, or which appear to the Minister to have been in any way exposed to the infection of pleuro-pneumonia.
- (3) The Minister shall for cattle slaughtered under this paragraph pay compensation as follows—
  - (a) where the animal slaughtered was affected with pleuro-pneumonia, the compensation shall be three-fourths of the value of the animal immediately

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before it became so affected, but so that the compensation does not in any such case exceed £30; and

- (b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation does not in any case exceed £40.

- (4) Where the Minister has decided that any head of cattle is to be slaughtered under this paragraph, the Minister shall, if the owner of such head of cattle by notice in writing so requires cause the same to be slaughtered within 21 days after the receipt of the notice.

*Foot-and-mouth disease*

- [<sup>F1</sup>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.
- (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—
    - (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](#); 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.

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- (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.
- (8) A declaration under sub-paragraph (6) 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.
- (9) A unit shall cease to be a free unit if the relevant authority serves a notice on the occupier—
- (a) varying the declaration in respect of it under sub-paragraph (6) such that it is no longer declared to be a free unit; or
  - (b) revoking that declaration.
- (10) The relevant authority shall for animals slaughtered under this paragraph pay compensation as follows—
- (a) where the animal slaughtered was affected with foot-and-mouth disease the compensation shall be the value of the animal immediately before it became so affected;
  - (b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered.
- (11) In this paragraph—
- “Chief Veterinary Officer” means the Chief Veterinary Officer appointed by the relevant authority;
  - “relevant authority” means—
    - (a) in relation to premises in England, the Secretary of State,
    - (b) in relation to premises in Wales, the National Assembly for Wales, and
    - (c) in relation to premises which are situated partly in England and partly in Wales, either the Secretary of State or the National Assembly for Wales, as they agree between them (or, in the absence of agreement, the Secretary of State);

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“susceptible animal” means a cow, sheep, goat, deer, camel, llama, alpaca, guanaco, vicuna, any other ruminant or any swine (that is, a member of the suborder *Suina* of the order *Artiodactyla*).]

#### Textual Amendments

**F1** Sch. 3 para. 2A inserted (E.W.) (10.1.2006) by [Animal Health Act 1981 \(Amendment\) Regulations 2005 \(S.I. 2005/3475\)](#), regs. 1(2), 2

- 3 (1) The Minister may, if he thinks fit, in any case<sup>[F2]</sup> also] cause to be slaughtered—
- (a) any animals affected with foot-and-mouth disease, or suspected of being so affected <sup>[F3]</sup>and];
  - (b) any animals which are or have been in the same field, shed, or other place, or in the same herd or flock, or otherwise in contact with animals affected with foot-and-mouth disease, or which appear to the Minister to have been in any way exposed to the infection of foot-and-mouth disease.
  - <sup>[F4]</sup>(c) any animals the Secretary of State thinks should be slaughtered with a view to preventing the spread of foot-and-mouth disease.]
- <sup>[F5]</sup>(1A) The Secretary of State may exercise the power under sub-paragraph (1)(c) whether or not animals—
- (a) are affected with foot-and-mouth disease or suspected of being so affected;
  - (b) are or have been in contact with animals so affected;
  - (c) have been exposed to the infection of foot-and-mouth disease;
  - (d) have been treated with vaccine against foot-and-mouth disease.]
- (2) The Minister shall for animals slaughtered under this paragraph pay compensation as follows—
- (a) where the animal slaughtered was affected with foot-and-mouth disease the compensation shall be the value of the animal immediately before it became so affected;
  - (b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered.

#### Textual Amendments

- F2** Word in Sch. 3 para. 3(1) inserted (E.W.) (10.1.2006) by [Animal Health Act 1981 \(Amendment\) Regulations 2005 \(S.I. 2005/3475\)](#), regs. 1(2), 3
- F3** Word omitted (E.W.) (14.1.2003) by virtue of [2002 c. 42, s. 1\(2\)](#); [S.I. 2002/3044, art. 2](#)
- F4** Sch. 3 para. 3(1)(c) inserted (E.W.) (14.1.2003) by [2002 c. 42, s. 1\(2\)\(c\)](#); [S.I. 2002/3044, art. 2](#)
- F5** Sch. 3 para. 3(1A) inserted (E.W.) (14.1.2003) by [2002 c. 42, s. 1\(3\)](#); [S.I. 2002/3044, art. 2](#)

#### *Swine-fever*

- 4 (1) The Minister may, if he thinks fit, in any case cause to be slaughtered—
- (a) any swine affected with swine-fever, or suspected of being so affected; and
  - (b) any swine which are or have been in the same field, pig-sty, shed, or other place, or in the same herd, or otherwise in contact with swine affected with swine-fever, or which appear to the Minister to have been in any way exposed to the infection of swine-fever.

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- (2) The Minister shall for animals slaughtered under this paragraph pay compensation as follows—
- (a) where the animal slaughtered was affected with swine-fever, the compensation shall be one half of the value of the animal immediately before it became so affected;
  - (b) in every other case the compensation shall be the value of the animal immediately before it was slaughtered.

#### *Diseases of poultry*

- 5 (1) The Minister may, if he thinks fit, cause to be slaughtered—
- (a) any diseased or suspected poultry; [<sup>F6</sup>or]
  - (b) any poultry which are or have been in the same field, pen, shed or other place as, or otherwise in contact with, diseased poultry or which appear to the Minister to have been in any way exposed to the infection of disease.
  - [<sup>F7</sup>(c) any poultry the Secretary of State thinks should be slaughtered with a view to preventing the spread of avian influenza or Newcastle disease.]
- [<sup>F8</sup>(1A) The Secretary of State may exercise the power under sub-paragraph (1)(c) whether or not poultry—
- (a) are affected with avian influenza or Newcastle disease or suspected of being so affected;
  - (b) are or have been in contact with poultry so affected;
  - (c) have been exposed to the infection of avian influenza or Newcastle disease;
  - (d) have been treated with vaccine against avian influenza or Newcastle disease.]
- (2) The Minister shall for poultry, other than diseased poultry, slaughtered under this paragraph pay compensation, which shall be the value of the bird immediately before it was slaughtered.
- (3) The Minister may by order prescribe the payment of compensation in accordance with a scale approved by the Treasury for diseased poultry slaughtered under this paragraph, being poultry affected with any disease other than fowl pest in any of its forms, including Newcastle disease and fowl plague.

#### **Textual Amendments**

- F6** Word in Sch. 3 para. 5(1)(a) deleted (E.W.) (11.7.2003) by [Avian Influenza and Newcastle Disease \(England and Wales\) Order 2003 \(S.I. 2003/1734\)](#), arts. 1, **4(2)**
- F7** Sch. 3 para. 5(1)(c) inserted (E.W.) (11.7.2003) by [Avian Influenza and Newcastle Disease \(England and Wales\) Order 2003 \(S.I. 2003/1734\)](#), arts. 1, **4(3)**
- F8** Sch. 3 para. 5(1A) inserted (E.W.) (11.7.2003) by [Avian Influenza and Newcastle Disease \(England and Wales\) Order 2003 \(S.I. 2003/1734\)](#), arts. 1, **4(4)**

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