
STATUTORY INSTRUMENTS

1985 No. 1542

ANIMALS

ANIMAL HEALTH

**The Warble Fly (England and
Wales) (Infected Areas) Order 1985**

Made - - - - *2nd October 1985*
Coming into Operation *23rd October 1985*

The Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State in relation to Wales, in exercise of the powers conferred on them by sections 1, 8(1), 17(1), 23 and 25 of the Animal Health Act 1981(1), and of all other powers enabling them in that behalf, hereby order as follows:—

Title and commencement

1. This order may be cited as the Warble Fly (England and Wales) (Infected Areas) Order 1985 and shall come into operation on 23rd October 1985.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

“the Act” means the Animal Health Act 1981;

“the appropriate Minister” means, in relation to England, the Minister and in relation to Wales, the Secretary of State;

“cattle” does not include calves aged less than twelve weeks;

“cattle market” includes any public sale or exhibition of cattle;

“certificate of exemption” means a certificate issued by a veterinary inspector under paragraph (2) of article 14;

“declaration of treatment” means declaration in form G signed by the owner or person in charge of the cattle to which the declaration relates or by his duly authorised agent;

“infected area” means an area declared to be an infected area by a special order made under paragraph (1) of article 3;

(1) the definition of “disease” in section 88(1) of that Act was extended to include the infestation of cattle with the warble fly by article 3 of S.I. 1982/234.

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“inspector” means a person appointed to be an inspector for the purposes of the Act by the Minister or by a local authority, and, when used in relation to an officer of the Ministry, includes a veterinary inspector;

“the Minister” and “the Ministry” mean respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

“premises” includes land;

“product” means a product for which there is a current product licence granted under the Medicines Act 1968 permitting its sale and supply for systemic use to kill warble fly;

“relevant period” means the period during which a special order made under paragraph (1) of article 3 remains in force;

“to treat” means to administer a product according to its manufacturer's instructions, and related expressions shall be construed accordingly;

“veterinary inspector” means a veterinary inspector appointed by the Minister; and

“warble fly” means the warble fly in any stage of its life cycle.

(2) Any reference in this order—

(a) to a numbered article is a reference to the article bearing that number in this order; and

(b) to a lettered form is a reference to the form bearing that letter in the Schedule to this order.

Declaration of infected areas

3.—(1) If the Minister believes or suspects that warble fly exists in an area he may, by special order, declare the area to be an infected area.

(2) Any premises which are partly inside and partly outside an infected area shall be deemed to be wholly inside that area.

(3) A special order made under paragraph (1) above—

(a) shall specify the date on which it shall come into force and the date on which it shall cease to be in force; and

(b) may be varied or revoked by a subsequent special order.

(4) Where an area is declared by a special order to be an infected area the provisions of this order shall apply in that area, save so far as they may be expressly varied or excepted by any such special order.

Infected area movement restrictions

4.—(1) Subject to the provisions of this article the movement of cattle out of an infected area is prohibited.

(2) The prohibition imposed by paragraph (1) above shall not apply to the movement of cattle—

(a) under the authority of a licence in form F; or

(b) subject to paragraph (3) below, through an infected area from a place outside the area direct to another place outside the area.

(3) Cattle moved through an infected area in accordance with subparagraph (b) of paragraph (2) above shall be moved through the area with all practicable speed and by the most direct route and shall not be unloaded in the area except in cases of emergency.

Treatment requirement

5.—(1) Subject to paragraph (4) below, cattle which are in an infected area at any time during the relevant period shall be treated by the owner or person in charge of them to the satisfaction of an inspector.

(2) The treatment shall, if the inspector to whom notice is given in accordance with paragraph (1) of article 7 so requires, be carried out in the presence of an inspector.

(3) The treatment shall be completed within the relevant period or, in the case of cattle which are moved into the infected area during the last seven days of the relevant period, within seven days of the last day of the period.

(4) Paragraph (1) above shall not apply to—

- (a) cattle which are slaughtered during the relevant period or, in the case of cattle which are moved into the infected area during the last seven days of the relevant period, which are slaughtered within seven days of the last day of the period;
- (b) cattle moved through an infected area in accordance with paragraph (2)(b) of article 4.

Restriction on movement of cattle not treated in accordance with article 5

6. If any cattle required to be treated by paragraph (1) of article 5 are not treated in accordance with that article—

- (a) an inspector may, without prejudice to any proceedings arising from the failure to treat, serve a notice in form H on the owner or person in charge of the cattle requiring their treatment to the satisfaction of an inspector by the date and at the place specified in the notice and, if the notice so requires, in the presence of an inspector; and
- (b) until they have been so treated they shall not be moved from the premises they were on when the notice in form H was served except under the authority of a licence in form F.

Notice of treatment

7.—(1) An owner or person in charge of cattle required to be treated by paragraph (1) of article 5 or by a notice in form H served under article 6(a) shall give written notice of his intention to treat the cattle to an inspector of the local authority for the area in which the treatment is to take place.

(2) The notice shall state the date, time and place of the intended treatment and the approximate number of cattle intended to be treated.

(3) The notice shall be delivered or sent by post to the inspector so as to be received at least three clear days before the intended time of treatment.

(4) If for any reason the intended treatment of the cattle at the time specified in the notice becomes impracticable, the owner or person in charge shall immediately inform the inspector of the alternative arrangements proposed for the treatment of the cattle and shall treat them in accordance with those arrangements as soon as practicable and in any case within the period within which they were required to be treated by paragraph (3) of article 5 or, as the case may be, by the notice in form H.

Declaration of treatment

8. The owner or person in charge of any cattle required to be treated by paragraph (1) of article 5 or by a notice in form H served under article 6(a) shall, not later than the eighth day after the day on which the last of the cattle were treated, make a declaration of treatment in form G which declaration shall immediately be delivered or sent by post to an inspector of the local authority for the area in which the treatment took place.

Cattle on common land

9.—(1) If cattle are grazed or kept on common land in an infected area an inspector may, if he considers it necessary or expedient for the purpose of preventing the spreading of warble fly, serve on the owner or person in charge of them a notice in form I.

(2) A person on whom a notice in form I is served shall, by the date specified in the notice, gather the cattle to which the notice relates at the place specified in the notice and ensure that they are not moved from the place except under the authority of a licence in form F until an inspector serves a notice in form J on him withdrawing the notice in form I.

Cattle markets in an infected area

10.—(1) No person shall hold or shall cause or permit to be held a cattle market in an infected area except under the authority of a licence issued by an inspector of the local authority for the area in which the market is to be held.

- (2) A licence under paragraph (1) above shall authorise the holding of a cattle market only if—
- (a) no cattle other than treated cattle which are accompanied by a declaration of treatment in form K are admitted to the market; or
 - (b) no cattle other than untreated cattle are admitted to the market; or
 - (c) where treated cattle and untreated cattle are admitted to the market, they are kept separate from each other at all times.

(3) An inspector of the local authority for the area in which the market is held may give such directions as he considers necessary to secure the effective separation of the cattle mentioned in paragraph (2)(c) above and the person to whom the licence was issued shall comply with any such directions forthwith.

(4) No cattle may leave a cattle market held in an infected area except under the authority of a licence in form F.

(5) A licence in form F issued under paragraph (4) above in respect of any untreated cattle shall authorise the movement of such cattle only to—

- (a) a slaughterhouse for slaughter within 72 hours of their arrival there;
- (b) the premises from which they were brought to the market; or
- (c) approved holding premises for—
 - (i) treatment, to the satisfaction of an inspector, within seven days of their arrival there, or
 - (ii) movement, within seven days of their arrival there, to a slaughterhouse for slaughter within 72 hours of their arrival at that slaughterhouse.

(6) For the purposes of paragraph (5) above “approved holding premises” means premises which have been approved by a veterinary inspector under article 12 for the temporary holding of cattle.

(7) For the purposes of this article, “treated cattle” means cattle which have been treated during the relevant period in accordance with article 5 and “untreated cattle” shall be construed accordingly.

Receipt of cattle at markets outside an infected area

11.—(1) No person shall receive or cause or permit to be received any untreated cattle from an infected area at a market (or part of a market) held outside an infected area unless—

- (a) the cattle have been moved out of the infected area under the authority of a licence in form F, and

(b) the market (or part of the market) is authorised to be used for the receipt of such cattle by a licence issued by an inspector of a local authority.

(2) No untreated cattle which have been received from an infected area at a market (or part of a market) held outside the infected area shall be moved from such market (or part of a market) except under the authority of a licence in form F.

(3) A licence in form F issued under paragraph (2) above in respect of any untreated cattle shall authorise the movement of such cattle only to—

- (a) a slaughterhouse for slaughter within 72 hours of their arrival there;
- (b) the premises from which they were brought to the market (or part of a market); or
- (c) approved holding premises for—
 - (i) treatment, to the satisfaction of an inspector, within seven days of their arrival there, or
 - (ii) movement, within seven days of their arrival there, to a slaughterhouse for slaughter within 72 hours of their arrival at that slaughterhouse.

(4) For the purposes of paragraph (3) above, “approved holding premises” means premises which have been approved by a veterinary inspector under article 12 for the temporary holding of cattle.

(5) For the purposes of this article, “untreated cattle” means cattle which have not been treated during the relevant period in accordance with article 5.

Approved holding premises for cattle

12.—(1) A veterinary inspector may, on an application being made to him by the occupier of any premises, approve those premises for the temporary holding of cattle for the purposes of article 10(5)(c) and 11(3)(c) if he is satisfied after inspecting the premises that they are fit to be used for that purpose.

(2) An approval of any premises for the temporary holding of cattle given under paragraph (1) above shall be given in writing and may—

- (a) be given subject to such conditions as the veterinary inspector giving the approval considers necessary for preventing the spreading of warble fly; and
- (b) be varied, suspended or withdrawn at any time by a notice in writing served by a veterinary inspector on the occupier of the premises.

Action in default

13. If any person fails to take any action required to be taken by him under this order or any notice or licence served or issued under it, an officer of the appropriate Minister or an inspector of the local authority may, without prejudice to any proceedings for an offence arising out of such failure, take, or cause to be taken, such action and the amount of any expenses reasonably incurred by him in doing so shall be recoverable as a civil debt by the appropriate Minister or, as the case may be, by the local authority from the person in default.

Exemptions from treatment

14.—(1) Any requirement to treat cattle arising under this order or any notice or licence served or issued under it shall not apply in respect of any cattle if—

- (a) it is not reasonable, and has at no time since the requirement arose been reasonable, to treat them on account of sickness, treatment other than for warble fly or any other veterinary reason; or

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(b) a veterinary inspector has issued a certificate of exemption in respect of them under paragraph (2) below.

(2) A veterinary inspector may at the request of the owner or person in charge of any cattle issue a certificate of exemption in respect of the cattle if he is satisfied that it is impracticable or inexpedient to treat them.

(3) A certificate issued under paragraph (1) above may be issued subject to such conditions as the veterinary inspector issuing it considers necessary for the purpose of preventing the spreading of warble fly.

Cancellation of notices, etc

15. A veterinary inspector may at any time cancel any notice served by an inspector under this order or revoke any certificate of exemption issued under this order by notice in writing given to the person on whom the notice was served or, as the case may be, to the person to whom the certificate of exemption was issued.

Licences

16.—(1) Any person in charge of cattle being moved under the authority of a licence in form F shall carry the licence with him and shall, on demand made by an inspector, produce the licence and allow a copy thereof or extract therefrom to be taken and shall also, if so required by the inspector, furnish his name and address.

(2) Subject to paragraph (3) below a licence in form F authorising the movement of any cattle shall be issued by an inspector of the local authority for the area in which the cattle are when application is made for the issue of the licence.

(3) An inspector shall not issue a licence in form F authorising the movement of any cattle if he is satisfied that the movement would give rise to any risk of the spreading of warble fly.

(4) A licence in form F authorising the movement of any cattle or a licence issued under paragraph (1) of article 10 authorising the holding of any cattle market or a licence issued under paragraph (1)(b) of article 11 authorising the receipt of cattle at a market (or part of a market) outside an infected area shall be retained by the person receiving the cattle or, as the case may be, by the person holding the market for a period of 12 months following the completion of the movement or the holding of the market and shall be produced to an inspector on demand being made by him at any reasonable time during that period.

(5) Any person applying for a licence in form F authorising the movement of any cattle or a licence under paragraph (1) of article 10 authorising the holding of any cattle market or a licence under paragraph (1)(b) of article 11 shall provide the inspector to whom the application is made with such information as the inspector may reasonably require so as to enable him to determine whether or not the movement of the cattle or the holding of the market or, as the case may be, the receipt of the cattle would give rise to the risk of the spreading of warble fly.

(6) A licence in form F or a licence under paragraph (1) of article 10 or paragraph (1)(b) of article 11 may be issued subject to such conditions as the inspector issuing it considers necessary or expedient for the purpose of preventing the spreading of warble fly and an inspector may at any time, by notice in writing given to the person to whom the licence was issued, revoke, vary or suspend the licence.

Offences

17. Any person who, without lawful authority or excuse, proof of which shall lie on him—

(a) contravenes any provision of this order, or any provision or condition of any licence, certificate of exemption or notice issued or served under this order; or

(b) fails to comply with any such provision or with any condition of any such licence, certificate of exemption or notice; or

(c) causes or permits any such contravention or non-compliance,

commits an offence against the Act.

Local authority to enforce order

18. The provisions of this order shall, except where otherwise provided, be executed and enforced by the local authority.

Revocation

19. The Warble Fly (England and Wales) (Infected Areas) Order 1983 and the Warble Fly (England and Wales) (Infected Areas) (Amendment) Order 1984 are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd October 1985.

L.S.

Michael Jopling
Minister of Agriculture, Fisheries and Food

2nd October 1985

Nicholas Edwards
Secretary of State for Wales

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SCHEDULE 1

FORM FMOVEMENT LICENCE

FORM GDECLARATION OF TREATMENT

FORM H

FORM I

FORM J

FORM KDECLARATION OF TREATMENT

EXPLANATORY NOTE

This order, which applies to England and Wales, enables the Minister of Agriculture, Fisheries and Food to declare any area in which he believes or suspects the warble fly to exist to be an infected area. The warble fly is an insect which parasitically infests cattle.

The order continues to regulate the movement of cattle out of an infected area (article 4), to require cattle in an infected area to be treated (with certain exceptions) (article 5 and 14) and to prohibit the holding of a cattle market in an infected area except under the authority of a licence issued by the local authority (article 10).

The only change of substance made by the order is the inclusion of a prohibition on the receipt of untreated cattle from an infected area at a market held outside an infected area unless the market is authorised to receive such cattle by a licence issued by the local authority and the cattle have been moved there under licence. In addition, the further movement of such cattle is permitted only under licence to certain specified destinations (article 11).