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 S T A T U T O R Y   I N S T R U M E N T S
 

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**1985 No. 1765**

**ANIMALS**

**ANIMAL HEALTH**

**The Diseases of Animals (Ascertainment of Disease) Order 1985**

<i>Made - - - -</i>	<i>15th November 1985</i>
<i>Coming into Operation</i>	<i>6th December 1985</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 8(1)(a), 87(2) and 88(2) of the Animal Health Act 1981(a) 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 Diseases of Animals (Ascertainment of Disease) Order 1985 and shall come into operation on 6th December 1985.

*Extension of the definitions of “animals” and “disease”*

2. For the purposes of section 63(9) of the Act (power to enter land etc to ascertain whether disease exists)(b)—

- (a) the definition of “animals” in section 87(1) of the Act is hereby extended so as to comprise any animal (except man) belonging to any of the orders of mammals except animals of the orders of Cetacea (whales, dolphins and porpoises), Pinnipedia (seals) and Sirenia (dugongs and manatees), and
- (b) the definition of “disease” in section 88(1) of the Act is hereby extended so as to comprise African horse sickness, Aujeszky’s disease, dourine, enzootic bovine leukosis, equine infectious anaemia, equine encephalomyelitis, rabies and Teschen disease.

*Interpretation*

3. In this order—

“the Act” means the Animal Health Act 1981;

“disease” means African horse sickness, Aujeszky’s disease, cattle plague,

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(a) 1981 c. 22.

(b) Section 63(9) of the Act was amended by section 2 of the Animal Health and Welfare Act 1984 (c. 40).

dourine, enzootic bovine leukosis, equine infectious anaemia, equine encephalomyelitis, pleuro-pneumonia, rabies, sheep-pox, swine fever and Teschen disease;

“inspector of the Minister” means a person appointed to be an inspector for the purposes of the Act by the Minister of Agriculture, Fisheries and Food and includes a veterinary inspector so appointed.

*Inspections, taking samples etc*

4.—(1) An inspector of the Minister who enters any land, building or other place in exercise of his powers under section 63(9) of the Act may—

- (a) carry out such inquiries, examinations and tests; and
- (b) take such samples

as are necessary to ascertain whether any disease exists, or has within 56 days existed, there.

(2) An inspector of the Minister may, for the purposes of identification, mark any animal or carcase in relation to which any of the powers under paragraph (1) above has been exercised.

(3) No person shall, or shall attempt to, deface, obliterate or remove any such mark as is referred to in paragraph (2) above.

(4) The occupier of any land, building or other place or any person in his employment shall render such reasonable assistance to an inspector of the Minister as the inspector may require for the purpose of facilitating the exercise of his powers under paragraphs (1) or (2) above.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 8th November 1985.



*John Selwyn Gummer,*  
Minister of State,  
Ministry of Agriculture, Fisheries and Food.

*George Younger,*  
Secretary of State for Scotland.

15th November 1985.

*Nicholas Edwards,*  
Secretary of State for Wales.

8th November 1985.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order extends the meaning of "disease" to the diseases mentioned in Article 2(b) for the purposes of section 63(9) of the Animal Health Act 1981. Section 63(9) as amended by section 2 of the Animal Health and Welfare Act 1984 enables a Ministry inspector to enter any land, building or other place for the purpose of ascertaining whether any disease exists, or has within 56 days existed, there. These powers will now be exercisable in relation to the diseases mentioned in Article 3.

The order also enables a Ministry inspector to carry out such inquiries etc and take such samples as are necessary to ascertain whether disease exists, or has within 56 days existed, on the premises he has entered and provides for the marking of animals or carcasses (Article 4).

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