

1990 No. 760

ANIMALS
ANIMAL HEALTH

The Movement of Animals (Restrictions) Order 1990

Made - - - - 27th March 1990

Coming into force - 28th March 1990

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), 72, 83(2), 86(1), 87(2) and 88(2) of the Animal Health Act 1981(a), and of all other powers enabling them in that behalf, hereby make the following Order:-

Title and commencement

1. This Order may be cited as the Movement of Animals (Restrictions) Order 1990 and shall come into force on 28th March 1990.

Extension of definition of "animals" and "disease"

2. For the purposes of the Act in its application to this Order-

- (a) the definition of "animals" in section 87(1) of the Act is hereby extended so as to comprise any kind of mammal except man and any kind of four-footed beast which is not a mammal; and
- (b) the definition of "disease" in section 88(1) of the Act is hereby extended so that it shall comprise any disease of animals.

Interpretation and application

3.—(1) In this Order-

"the Act" means the Animal Health Act 1981;

"carcase" means the carcase of an animal and includes part of a carcase, and the meat, bones, skin, offal or any other part of an animal or any portion thereof;

"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 a person so appointed by the Minister, includes a veterinary inspector;

"premises" includes land with or without buildings;

"the Minister" and "the Ministry" means respectively the Minister and the Ministry of Agriculture, Fisheries and Food;

"veterinary inspector" means a veterinary inspector appointed by the Minister.

(2) Any reference in this Order to a lettered form is a reference to the Form bearing that letter in the Schedule to this Order.

(a) 1981 c.22; section 86(1) contains a definition of "the Ministers" relevant to the exercise of the statutory powers under which this Order is made.

(3) This Order does not apply to any disease the existence of which on any premises may be ascertained by a veterinary inspector in pursuance of the provisions of any other Order made under the Act or an Order which has effect as if so made.

Restrictions on movement of animals in cases of disease or suspected disease

4.—(1) If a veterinary inspector has reasonable grounds for supposing that disease exists on any premises he may serve a notice in Form A on the occupier or person in charge of the premises prohibiting the movement of any animal, carcase or other thing described in the notice on to or off the premises, except under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued.

(2) A notice in Form A—

- (a) may contain such other restrictions or requirements with regard to the premises to which it relates or with regard to persons, animals, carcases or other things on such premises as the veterinary inspector may consider necessary for the purpose of preventing the spread of disease; and
- (b) shall continue in force until it is withdrawn by a notice in Form B served by a veterinary inspector on the occupier or person in charge of the premises to which the notice in Form A relates.

(3) A notice in Form A shall be withdrawn by a notice in Form B served by a veterinary inspector on the owner or person in charge of the animal to which the notice in Form A relates if he is satisfied that—

- (a) the disease which a veterinary inspector had reasonable grounds for supposing existed on the premises to which the notice in Form A relates does not so exist; or
- (b) the keeping in force of the notice in Form A is no longer necessary for the purposes of this Order.

(4) If any person fails to comply with any of the restrictions on the movement of any animal, carcase or other thing imposed by a notice in Form A, or with any other restrictions or requirement imposed by such a notice, an inspector or other officer of the Ministry or an inspector of the local authority may, without prejudice to any proceedings for an offence arising out of such contravention or default, seize or cause to be seized any animal, carcase or other thing which has been moved in contravention of any provision of the notice and detain it at such place as he shall consider appropriate until the notice in Form A is withdrawn by a notice in Form B, or, as the case may be, take, or cause to be taken, such other action as may be necessary so as to ensure that any other restriction or requirement imposed by the notice is complied with.

(5) The amount of any expenses reasonably incurred by an inspector or other officer of the Ministry or by an inspector of the local authority in the exercise of the powers under paragraph (4) above shall be recoverable as a civil debt by the Minister or, as the case may be, by the local authority from the person who caused or permitted such contravention or, as the case may be, from the person in default.

Veterinary enquiry as to the existence of disease

5.—(1) For the purposes of ascertaining whether or not disease exists on any premises in respect of which a notice in Form A has been served a veterinary inspector may—

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

as he may consider necessary for the purpose of diagnosis.

(2) A veterinary inspector may mark, or cause to be marked, for identification purposes any animal, carcase or other thing in relation to which any of the powers under paragraph (1) above has been exercised.

(3) The occupier or person in charge of the premises or any person in his employment shall render such reasonable assistance to a veterinary inspector as he may require for the purpose of facilitating the exercise of his powers under paragraph (1) or (2) above.

Cleansing and disinfection

6.—(1) Where a notice in Form A has been served in respect of any premises a veterinary inspector may serve a notice in writing on the occupier or person in charge of the premises requiring him to cleanse and disinfect the premises in the manner specified in the notice and within such time as may be so specified.

(2) If any person on whom a notice has been served under paragraph (1) above fails to comply with the requirements of the notice, an inspector or other officer of the Ministry or an inspector of the local authority may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the cleansing and disinfection required by the notice, and the amount of any expenses reasonably incurred by him in doing so shall be recoverable as a civil debt by the Minister, or, as the case may be, by the local authority from the person in default.

General provisions as to licences

7.—(1) A veterinary inspector may, where he considers it necessary for the purpose of preventing the spread of disease, revoke or vary any licence issued under this Order by notice in writing served on the person to whom the licence was issued.

(2) A licence issued under this Order shall accompany whatever is being moved under its authority and any person acting under the authority of such a licence shall, on demand made by an inspector or other officer of the Ministry or by an inspector of the local authority or by a member of a police force, produce the licence and allow a copy or extract to be taken, and shall also, on such demand, furnish his name and address.

Offences

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

- (a) defaces, obliterates or removes any mark applied to any animal, carcase or other thing by or under any provision of this Order;
- (b) contravenes any provision of this Order or any provision of a licence issued, or of a notice served, under this Order;
- (c) fails to comply with any such provision or with any condition of any such licence or notice; or
- (d) knowingly causes or permits any such contravention or non-compliance,

commits an offence against the Act.

Local authority to enforce Order

9. The provisions of this Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th March 1990.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

26th March 1990

Sanderson of Bowden
Minister of State Scottish Office

27th March 1990

Peter Walker
Secretary of State for Wales

SCHEDULE—FORMS

FORM A

ANIMAL HEALTH ACT 1981

THE MOVEMENT OF ANIMALS (RESTRICTIONS) ORDER 1990

(Article 4)

NOTICE PROHIBITING MOVEMENT OF ANIMALS, CARCASSES OR OTHER THINGS ON TO OR OFF PREMISES

To

of

I, being a veterinary inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice as the occupier/*person in charge of the premises described below that, in accordance with the provisions of article 4 of the above Order, until this notice is withdrawn by a further notice (Form B) served on you by a veterinary inspector—

- (a) no animal, carcase or other thing described below shall be moved on to or off the premises so described, except under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued; and
- (b) [other restrictions or requirements].

Description of premises, stating full postal address

Premises

Full postal address

Description of animals, carcasses, other things

Signed Dated 19...

Name in block letters

Official address

NOTE: The veterinary inspector is with all practicable speed to send copies of this notice to the local authority, to the police officer in charge of the nearest operational police station of the police force for the area, and to the Secretary, Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT16 7NF.

Failure to comply with the notice may constitute an offence against the Animal Health Act 1981.

* Delete as appropriate.

FORM B

ANIMAL HEALTH ACT 1981

THE MOVEMENT OF ANIMALS (RESTRICTIONS) ORDER 1990

(Article 4)

WITHDRAWAL OF NOTICE IMPOSING RESTRICTIONS ON MOVEMENT OF ANIMALS,
CARCASSES OR OTHER THINGS (FORM A)

To
of
.....

I, being a veterinary inspector of the
Ministry of Agriculture, Fisheries and Food, hereby withdraw, as from this day
of 19..., the notice in Form A signed by and
served on you on the day of 19... in respect
of the following premises:

.....
Description of premises, stating full postal address
.....

Premises

Full postal address

.....

Signed Dated 19...

Name in block letters

Official address

NOTE: The veterinary inspector is with all practicable speed to send copies of this notice to the
local authority, to the police officer in charge of the nearest operational police station of
the police force for the area, and to the Secretary, Ministry of Agriculture, Fisheries and
Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT16 7NF.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order enables a veterinary inspector, if he has reasonable grounds to suppose that any disease of animals (other than a disease which is subject to similar controls under another Order) exists on any premises, to prohibit, by a notice in Form A, the movement of animals, carcasses or other things on to or off the premises, except under licence and to impose such other restrictions or requirements as he may consider necessary for the purpose of preventing the spread of disease. A notice in Form A will remain in force until it is withdrawn by a further notice in Form B served by a veterinary inspector. A notice in Form A shall be withdrawn by a notice in Form B if a veterinary inspector is satisfied that the suspected disease does not exist on the premises or the keeping in force of the notice in Form A is no longer necessary for the purposes of the Order (article 4 and Schedule).

The Order also provides for—

- (a) the investigation by a veterinary inspector into the existence of diseases of animals and the carrying out by him of examinations and tests for the purpose of diagnosis (article 5),
- (b) the cleansing and disinfection of premises in respect of which a notice in Form A has been served (article 6), and
- (c) offences (article 8).

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