
STATUTORY INSTRUMENTS

1991 No. 2814

The Anthrax Order 1991

Title and commencement

1. This Order may be cited as the Anthrax Order 1991 and shall come into force on 1st January 1992.

Interpretation

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

“the Act” means the Animal Health Act 1981;

“the disease” means anthrax;

“diseased” means affected with the disease;

“disinfectant” means a disinfectant listed in Schedule 1 or Schedule 2 of the Diseases of Animals (Approved Disinfectants) Order 1978(1) as approved for use in respect of general orders;

“Divisional Veterinary Officer” means the veterinary inspector appointed for the time being by the Minister to receive information about diseased or suspected animals or the carcasses of such animals for the area in which such animals or carcasses are;

“infected place” means a place declared to be an infected place under article 7(1);

“occupier” means, in relation to any premises, the owner, occupier or person in charge of the premises;

“premises” includes land, with or without buildings;

“slaughterhouse” means—

(a) in relation to England and Wales, a slaughterhouse or knacker’s yard as defined in section 34 of the Slaughterhouses Act 1974(2); and

(b) in relation to Scotland, a slaughterhouse as defined in section 22 of the Slaughter of Animals (Scotland) Act 1980(3);

“suspected” means suspected of being diseased;

“veterinary surgeon” includes veterinary practitioner.

(2) Unless the context otherwise requires, any reference in this Order—

(a) to a numbered article or Schedule, is a reference to the article or Schedule bearing that number in this Order, and

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

(1) S.I. 1978/32 amended by S.I. 1978/934, 1991/631 and 1991/1770.

(2) 1974 c. 3.

(3) 1980 c. 13.

Extension of definition of disease, animals and poultry for the purposes of the Act

3. For the purposes of the Act in its application to this Order—
- (a) the definition of disease in section 88(1) of the Act shall be extended to comprise the disease;
 - (b) the definition of animals in section 87(1) of the Act shall be extended to comprise any kind of mammal except man;
 - (c) the definition of poultry in section 87(4) of the Act shall be extended to comprise quail.

Notice of suspected disease

4. A person who has in his possession or under his charge any animal or carcass which he suspects is diseased, and any veterinary surgeon or other person who, in the course of his duties, suspects the presence of the disease on any premises shall give notice of his suspicion as soon as practicable to the Divisional Veterinary Officer.

Precautions in case of diseased or suspected animal or carcass

5.—(1) A person who has in his possession or under his charge a diseased or suspected animal or carcass shall ensure that no animal or carcass is moved from the premises until a veterinary inquiry in accordance with article 6 has been completed.

(2) The occupier of premises on which there is a diseased or suspected animal or carcass shall as soon as possible take steps to ensure that the requirements set out in Part I of Schedule 1 are complied with on those premises.

Veterinary inquiry as to the existence of disease

6.—(1) If a veterinary inspector has reasonable grounds for supposing that the disease exists or has within 56 days existed on any premises he shall with all practicable speed inquire as to the correctness of the supposition.

- (2) For the purposes of such an inquiry a veterinary inspector may—
- (a) examine any animal or carcass on the premises;
 - (b) take or cause to be taken from any such animal or carcass any sample he may require for the purposes of diagnosis;
 - (c) mark or cause to be marked any such animal or carcass for identification purposes;
 - (d) examine any records relating to the origin, destination, health and productivity of any animal which is, or has been, on the premises, and take copies of such records, and
 - (e) investigate the origins of feedingstuffs and fertilisers.

(3) The occupier of the premises, any person in his employment, any veterinary surgeon who has been attending or who has been consulted respecting any animal or carcass on the premises and any person who is or has been in charge of or in contact with any such animal or carcass, shall provide such information and facilities and render such assistance as may be required for the purposes of the inquiry.

(4) If on completion of the inquiry the veterinary inspector is of the opinion that the disease does not exist and has not within 56 days existed on the premises he shall send a certificate to that effect to the Minister forthwith.

Declaration of infected place

7.—(1) If a veterinary inspector has reasonable grounds for supposing that the disease exists or has within 56 days existed on any premises he may serve a notice in form A on the occupier of the premises declaring them to be an infected place.

(2) An infected place shall be subject to the requirements set out in Schedule 1 until a notice in form B is served on the occupier by the Divisional Veterinary Officer.

(3) A veterinary inspector may at any time alter the limits of an infected place by the service of a notice in form C on the occupier.

(4) A veterinary inspector may at any time require the movement of animals from the infected place to such other place as he may determine and when making such a requirement shall authorise the movement by licence.

(5) A veterinary inspector may, by notice served on the occupier, prohibit the use of a specified feedingstuff on the infected place, where he considers it necessary to prevent the spread of disease.

Power of veterinary inspectors to prohibit or control movement or use

8.—(1) If a veterinary inspector has reasonable grounds for supposing that the movement of any animal or carcase, or other thing to or from any premises would give rise to the risk of the spread of the disease he may, for the purpose of preventing the spread of the disease, by notice served on the occupier of the premises, prohibit the movement of any animal, carcase, or other thing to or from the premises, except under the authority of a licence granted by a veterinary inspector.

(2) If a veterinary inspector has reasonable grounds for supposing that the use of any thing in relation to any animal or carcase would give rise to the risk of the spread of the disease he may, for the purpose of preventing the spread of the disease, by notice served on the occupier of the premises on which the thing is found, prohibit its use.

Disposal of carcasses

9. The local authority for the area in which the infected place is found shall cause the diseased or suspected carcasses to be disposed of by incineration on the infected place or by such other method as the Divisional Veterinary Officer may approve.

Cleansing, disinfection, vaccination and treatment

10.—(1) A veterinary inspector may serve on the occupier of any premises on which there is or has within 56 days been a diseased or suspected animal or carcase a notice requiring him to cleanse and disinfect in such manner and within such period as may be specified in the notice and with such disinfectant as is specified in the notice,—

- (a) all or any part of the premises;
- (b) any thing which has been in contact with the animal or carcase and any thing which is used in connection with the animal or carcase.

(2) A veterinary inspector may serve on the occupier of any premises a notice requiring him to arrange for the vaccination or treatment or for both vaccination and treatment of specified animals in such manner and within such period as may be specified in the notice, where the veterinary inspector considers that it is necessary to prevent the spread of disease.

(3) If the requirements of a notice are not complied with a veterinary inspector may, without prejudice to any proceedings for an offence arising out of the default, carry out or cause to be carried out the cleansing, disinfection, vaccination or treatment, and any expenses reasonably incurred in doing so shall be recoverable by the Minister from the occupier.

General provisions as to licences

11.—(1) Any licence issued under article 7(4) or 8(1) may be revoked or varied or issued subject to conditions.

(2) Any person who moves any animal, carcase or other thing under the authority of such a licence shall—

- (a) ensure that the licence accompanies the animal, carcase or other thing; and
- (b) on demand made by an inspector or a member of a police force produce the licence and allow a copy or extract to be taken.

(3) A veterinary inspector who issues a licence authorising a movement shall with all practicable speed send a copy of the licence to the local authority to whose area the movement is authorised.

Enforcement

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

Offences

13. A person shall be guilty of an offence against the Act who, without lawful authority or excuse, proof of which shall lie on him—

- (a) contravenes article 4, 5, 6(3), 7(4) or 11(2); or
- (b) fails to comply with any notice served under article 7(1), 7(5), 8, 10(1) or (2); or
- (c) contravenes the provisions of any licence issued under article 7(4) or 8(1); or
- (d) alters, removes or defaces any mark applied under article 6(2)(c); or
- (e) causes or permits any such contravention or non-compliance.

Revocation

14. The Anthrax Order of 1938(4) is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th December 1991.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

Strathclyde
Parliamentary Under Secretary of State, Scottish
Office

9th December 1991

6th December 1991

David Hunt
Secretary of State for Wales