
STATUTORY INSTRUMENTS

1992 No. 45

The Sheep Scab Order 1992

PART V

GENERAL

Sheep on common or unenclosed land

16.—(1) An inspector may if he considers it necessary in order to prevent the spread of sheep scab, serve a notice in Form M or Form N on the person believed to be the owner of any sheep which are grazed or kept on any common or unenclosed land or on any land contiguous to any such land.

(2) The owner of any sheep on whom a notice in Form M is served under paragraph (1) above shall move the sheep off the land to which the notice relates within such period as may be specified in the notice and shall not move the sheep back on to the land, or cause or permit them to be so moved, or move or cause or permit to be moved any other sheep onto the land, except with the written approval of an inspector.

(3) The owner of any sheep on whom a notice in Form N is served under paragraph (1) above shall, within such period or on such date as may be specified in the notice, gather the sheep together on such part of the land as may be specified in the notice and shall not move them off such part of the land, or cause or permit them to be so moved, except with the written approval of an inspector.

(4) Where the requirements of a notice in Form M or Form N are not complied with in respect of any sheep and the person on whom the notice is served states that those sheep do not belong to him the provisions of article 17 below with respect to seizure and detention of sheep shall apply.

Seizure of suspected sheep

17.—(1) The provisions of this article shall apply—

- (a) to any sheep kept or otherwise dealt with in contravention of articles 11 or 16 above;
- (b) to any affected sheep which is found in any place which is not in the possession of, occupied or otherwise under the control of, the owner of the sheep; and
- (c) to any sheep which is found with a sheep referred to in sub-paragraphs (a) or (b) above.

(2) The local authority may seize and detain any sheep to which this article applies.

(3) If, after all reasonable enquiries have been made, the ownership of a sheep which has been seized by the local authority under paragraph (2) above cannot be established and its owner has not claimed it within 7 days of its seizure, the local authority may move the sheep to a slaughterhouse for slaughter within 72 hours of its arrival there; and the local authority may sell the carcass of any sheep so slaughtered and deduct from the proceeds of sale the expenses incurred by it in seizing, detaining and slaughtering the sheep and retain any surplus for payment to any person who can establish his right to it.

(4) If the owner of a sheep seized by a local authority under paragraph (2) above can establish his right to ownership of it within 7 days of its seizure, he may, after he has paid to the local authority the amount of expenses incurred by the authority in seizing and detaining the sheep move it direct to—

- (a) a slaughterhouse for slaughter within 72 hours of its arrival there; or
- (b) such other premises as may be specified in a notice in Form I issued by the local authority for detention and isolation there in accordance with such requirements as may be specified in the notice.

Sheep dealers

18.—(1) Every sheep dealer shall—

- (a) make a record in Form O or a form substantially to the like effect relating to the purchase and sale of any sheep by him (which record shall be made separately from any record relating to the movement of sheep made by him under any provision of the Movement of Animals (Records) Order 1960(1) for the time being in force);
- (b) notify in writing the local authority for the area in which he is for the time being residing of his home address and, on demand by the local authority, of all movements of sheep effected by him during the previous 12 months; and
- (c) on demand by an inspector furnish him with detail of the address or location of any premises on which there are, or have at any time during the previous 12 months been, any sheep under his control.

(2) Every record in Form O required to be made by a sheep dealer under paragraph (1) above shall be retained by him for a period of 12 months from the date of purchase or sale to which it relates and he shall, on demand made by an inspector, produce such record and allow a copy of it or extract from it to be taken.

Marking of sheep

19. An inspector may mark, or cause to be marked, any sheep for the purposes of this Order.

Notices requiring dipping of sheep

20.—(1) Where an inspector has reasonable grounds for supposing that any sheep which are required to be dipped by or under the provisions of this Order have not been dipped, he may serve on the owner or person in charge of the sheep a notice in Form K and that person shall cause the sheep to be dipped at such place and at such time as may be specified in the notice and to the satisfaction of an inspector.

(2) Where an inspector has reasonable grounds for supposing that the dipping of sheep which are required to be dipped by or under any of the provisions of this Order has not been effectively carried out he may serve on the owner or person in charge of the sheep a notice in Form K and that person shall cause the sheep to be dipped again at such place and at such time as may be specified in the notice and to the satisfaction of an inspector.

Sampling

21.—(1) A person who, in accordance with any requirement imposed by this Order, dips any sheep or causes any sheep to be dipped, shall, if so required by an inspector, furnish him with a sample of the sheep dip or of the dipping bath used (or permit him to take such a sample) and with such particulars as he may reasonably require as to the name or the composition of the sheep dip used and of the manner in which it had been prepared.

(2) The occupier of any premises on which there are any sheep, and the owner or person in charge of the sheep shall permit an inspector to take such samples of the fleece of those sheep as he

may require for the purposes of this Order and shall comply with all reasonable requirements of the inspector with a view to facilitating the taking of such samples.

General provisions as to movement of sheep and production of declarations

22.—(1) Where any sheep are moved in accordance with the provisions of this Order, the person in charge of the sheep being so moved shall ensure that dipped sheep are kept separate from all other sheep during the movement.

(2) Where any sheep are moved to any premises accompanied by a declaration in Form L—

- (a) the person in charge of the sheep being so moved shall, on demand made by an inspector, produce the declaration and allow a copy thereof or an extract of it to be taken and shall also, on such demand, furnish his name and address;
- (b) the person in charge of the sheep at the time the movement is completed shall immediately deliver up the declaration to the occupier of the premises who shall retain it for a period of 12 months from the date on which he receives it and who shall, during that period, on demand being made by an inspector, produce the declaration and allow a copy of it or an extract of it to be taken.

Cleansing and disinfection of premises and vehicles

23.—(1) Where premises have been used for the dipping of affected sheep in accordance with any requirement imposed by or under this Order or they are premises to which a notice in Form A relates an inspector may serve a notice in Form H on the occupier of the premises and that person shall by such date as may be specified in the notice—

- (a) cleanse and disinfect those parts of the premises which have been used for, or in connection with, the dipping; and
- (b) gather up any fragments of wool from the dipped sheep which are on the premises and—
 - (i) disinfect them by immersing them in a dipping bath, or
 - (ii) destroy them.

(2) Where a vehicle is used, or has at any time during the previous 28 days been used, for the carriage of affected sheep, an inspector may serve a notice in Form H on the owner or person in charge of the vehicle and that person shall, by such date as may be specified in the notice, cleanse and disinfect the vehicle and any apparatus or thing used in connection with the carriage of any such sheep in the vehicle in accordance with the provisions of the notice.

Certificates of exemption from dipping requirements

24.—(1) An inspector may, if he is satisfied that it is impracticable or inexpedient to dip any sheep which are required to be dipped by or under this Order or to dip any sheep within the required time, issue a certificate exempting a person from any such requirement or extending the time within which such a requirement is to be complied with.

(2) A certificate issued under paragraph (1) above may be issued subject to such conditions as the inspector issuing it thinks necessary for preventing the spread of sheep scab.

Powers of entry and inspection

25.—(1) For the purposes of this Order, an inspector may at any reasonable time enter any premises on which he has reason to believe that sheep are kept and examine any sheep on those premises and, where the sheep are required to be dipped in accordance with any provision of this Order, supervise the dipping of them.

(2) An inspector entering any premises under paragraph (1) above shall if so required by the person in charge of the premises produce evidence of his authority and state in writing his reasons for entering.

Powers of inspectors in cases of default

26. If any person fails to take any action required by him in accordance with any provisions of this Order, an inspector 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 by the Minister, or, as the case may be, by the local authority from the person in default.

Revocation of licences etc

27.—(1) The Minister may, if it appears to him necessary or expedient to do so, revoke, vary or suspend any licence or certificate issued or cancel any notice (other than a notice in Form A or C) served by an inspector of the Ministry under this Order by notice in writing given to the person to whom the licence or certificate was issued or, as the case may be, to the person on whom the notice was served.

(2) A local authority may, if it appears necessary or expedient to do so and with the prior consent of the Minister revoke, vary or suspend any licence or certificate issued or cancel any notice (other than a notice in Form A or Form C) served by an inspector of the local authority under this Order by notice in writing given to the person to whom the licence or certificate was issued or, as the case may be, to the person on whom the notice was served.

Application of Order to imported animals

28. The provisions of this Order shall not apply in relation to premises approved for the purposes of the Importation of Animals Order 1977(2), and shall apply in relation to imported sheep only—

- (a) for the time specified in the licence issued in respect of those animals under article 11(5) of that Order; and
- (b) where the existence or suspected existence of disease in any part of Great Britain makes it expedient that no such licence should be issued for the time being, from the time when those animals have completed the period of detention in quarantine required under the provisions of that Order or, as the case may be, have been rested at premises approved for use for the detention of animals under article 10(1) of that Order for the period so required.

Offences

- 29.** 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 sheep under article 19; or
 - (b) knowingly or recklessly makes a declaration in Form E, J or L which is false in a material particular; or
 - (c) fails to comply with article 3(1), 4, 6(1), 7(3) or (7), 8, 9(2) or (3), 11(1), 13(1) or (2), 14(1), 15, 16(2) or (3), 18, 20, 21, 22 or 23; or
 - (d) fails to comply with any notice issued under article 5(4) or any condition of any licence issued under this Order; or
 - (e) causes or permits any such non-compliance,

commits an offence against the Act.

Local authority to enforce Order

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

Revocation

31. The Sheep Scab Order 1986⁽³⁾ and the Sheep Scab (Amendment) Order 1987⁽⁴⁾ are hereby revoked.

⁽³⁾ S.I. 1986/862, as amended by S.I. 1987/836.

⁽⁴⁾ S.I. 1987/836.