

2001 No. 1862

ANIMALS, ENGLAND
ANIMAL HEALTH

The Foot-and-Mouth Disease (Amendment) (England)
(No. 7) Order 2001

Made - - - - - 10th May 2001

Coming into force

Article 37C 1st June 2001

All other provisions 11 p.m. 10th May 2001

The Minister of Agriculture, Fisheries and Food, acting in exercise of the powers conferred on him by sections 1, 7, 8, 15(4), 23, 25, 38(1) and 83(2) of the Animal Health Act 1981(a) and of all other powers enabling him in that behalf, makes the following Order:

Title, extent and commencement

1.—(1) This Order may be cited as the Foot-and-Mouth Disease (Amendment) (England) (No. 7) Order 2001; it extends to England and shall come into force in accordance with paragraph (2) below.

(2) Article 37C shall come into force on 1st June 2001 and all other provisions shall come into force at 11 p.m. on 10th May 2001.

Amendment to the Foot-and-Mouth Disease Order 1983

2.—(1) The Foot-and-Mouth Disease Order 1983 (“the 1983 Order”)(b) in so far as it applies to England, is amended in accordance with the following provisions of this article.

(2) Parts III and IV are replaced by the text set out in Schedule 1 to this Order.

(3) Schedules 5 and 6 are revoked.

Transitional provisions

3. Declaratory Orders made under Part III of the 1983 Order before this Order comes into force, shall have effect so that the provisions of Part III of the 1983 Order as amended by this Order, apply in those areas.

Signed at 5.45 p.m.

10th May 2001

Hayman
Minister of State,
Ministry of Agriculture, Fisheries and Food

(a) 1981 c. 22. See section 86(1) for the definitions of “the Ministers” and “the Minister”. Functions of “the Ministers”, so far as exercisable by the Secretaries of State for Scotland and Wales in relation to England, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).

(b) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and, as regards England, S.I. 2001/571, S.I. 2001/680, S.I. 2001/974, S.I. 2001/1078, S.I. 2001/1407 and S.I. 2001/1514.

“PART III

PROVISIONS TO APPLY IN INFECTED AREAS

Application of Part III of this Order

17.—(1) Where, by Order, the Minister declares an area to be infected area to which the provisions of this Part of this Order apply, the provisions of this Part, save as expressly varied or excepted by any such Order, shall apply to and have effect in, that area.

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

Movement of animals

18.—(1) No person shall move animals from the premises on which the animals are kept except under the authority of a licence issued by an inspector.

(2) No person shall move animals on public or private roads (other than the service roads of premises) except under the authority of a licence issued by the Minister or an inspector.

(3) No person shall transport animals through the infected area except if the animals are transiting through that area by motorway, trunk road or railway.

(4) An inspector of a local authority may only issue a licence permitting the movement of—

- (a) animals direct to a slaughterhouse approved by the Minister to slaughter animals moved by licence issued under this article; or
- (b) sheep or cattle to a collecting centre, licensed by the local authority under article 35, for onward movement direct to a slaughterhouse approved under paragraph (a) above,

in accordance with the instructions of the Chief Veterinary Officer.

(5) For the purposes of this article, licences or approvals issued in Scotland or Wales operate as if granted in England.

(6) Where an animal is moved to a slaughterhouse under this article, the occupier of the slaughterhouse shall ensure that the animal is slaughtered at those premises in accordance with any condition relating to slaughter specified in the licence and in any event within 24 hours of arrival there.

(7) The person in charge of the vehicle in which animals are moved under this article shall ensure that it is thoroughly cleansed and disinfected in accordance with the requirements of paragraph 3 of Schedule 2 to this Order as soon as possible after the animals have been unloaded and, in any case, before the vehicle is moved from the delivery premises.

(8) The occupier of premises to which animals are moved under this article shall—

- (a) ensure that he or his representative is given the licence under which they have been moved before allowing the animals to be unloaded from the vehicle on which they have been transported;
- (b) forward that licence without delay to the local authority responsible for the area in which those premises are situated and, in the case of a slaughterhouse, provide a copy to the official veterinary surgeon appointed for those premises;
- (c) retain a copy of that licence for a period of 6 months and produce it upon request for inspection by an inspector;
- (d) provide adequate facilities, equipment and materials for the cleansing and disinfection in accordance with this article of the vehicle that delivered the animals to the premises; and
- (e) in the case of a collecting centre, ensure that sheep are marked or tagged so as to enable the identity of the collecting centre and the farm from which they were moved to be established throughout their onward movement to a slaughterhouse.

Breeding

19.—(1) No person shall seek to carry out breeding of animals by means of itinerant service.

(2) Artificial insemination shall not be carried out except—

- (a) by the occupier of the premises or one of his employees using semen which is on the farm at the time the declaratory Order is made or is delivered directly to the farm, or
- (b) under the authority of a licence issued by a veterinary inspector.

(3) No person shall move any embryo, ova or semen into, out of or within an infected area except under a licence issued by a veterinary inspector.

Control of products from slaughterhouses and knacker's yards

20.—(1) No person shall move any carcase or animal product (unless intended for human consumption) or any manure, slurry or litter, out of a slaughterhouse or knacker's yard except—

- (a) under the authority of a licence granted by the Minister (or, in the case of a knacker's yard, an inspector); or
- (b) for disposal under the Animal By-Products Order 1999(a), the Specified Risk Material Order 1997(b) or the Specified Risk Material Regulations 1997(c).

(2) Anything moved under paragraph (1)(a) above shall be moved in a drip-proof container or vehicle, and the owner or person in charge of that container or vehicle shall, as soon as possible after unloading, and in any case before it is used again, cleanse and disinfect it.

(3) No person shall move anything under this paragraph to premises on which there is an animal and any person moving or receiving anything under this paragraph and the occupier of the premises to which it is moved shall ensure that it is not brought into contact with, or fed to, any animal.

Control of carcasses

21.—(1) No person shall move any carcase (other than the carcase of an animal slaughtered for human consumption or a suspect BSE or scrapie carcase destined for disposal) from premises other than a slaughterhouse or knacker's yard, except under the authority of a licence issued by the Minister.

(2) For the purposes of this article, a deer that is killed in the circumstances set out in paragraph (2) of article 29A below, shall not be considered to have been slaughtered for human consumption.

Disposal of manure, slurry, and litter

22.—(1) No person shall—

- (a) move any manure, slurry or litter out of an infected area;
- (b) discharge any slurry produced in an infected area by means of equipment which produces a jet or spray of liquid, unless the discharge point of the jet or spray is—
 - (i) directed downwards at an angle of not less than 45° from horizontal; and
 - (ii) not more than 1 metre above ground level;
- (c) move any manure, slurry or litter in a manner likely to cause spillage—
 - (i) on a highway; or
 - (ii) on any premises other than the premises on which that manure, slurry or litter was produced; or
- (d) permit any animal to come into contact with any manure, slurry or litter produced on premises in an infected area, other than at the premises on which the animal is kept.

(2) The owner or person in charge of any container or vehicle used to carry manure, slurry or litter in an infected area shall cleanse and disinfect the outside surface and wheels of that container or vehicle immediately before and immediately after each occasion on which it is so used except when it is used on the premises on which that manure, slurry or litter was produced.

Control of milk produced in an infected area

23.—(1) Subject to paragraph (2) below no person shall feed to any animal any milk produced in an infected area, or any washings from a container which has held any such milk, except milk or container washings produced on the premises where the animal is kept.

(2) Paragraph (1) shall not apply if—

- (a) before being moved on to the premises the milk or washings are treated in accordance with the requirements of paragraph (3); and
- (b) after being so treated the milk or washings—
 - (i) are kept separate at all times from other milk and washings not so treated, and
 - (ii) are kept in containers which have first been cleansed and disinfected.

(3) The requirements referred to in paragraph (2) are that the milk or washings must be—

- (a) heated to a temperature of 76.66°C, and held at that temperature for at least 5 seconds;
- (b) heated to a temperature of 72°C, and held at that temperature for at least one minute;
- (c) heated to a temperature of 65°C, and held at that temperature for at least 2 minutes;
- (d) heated to a temperature of 60°C, and held at that temperature for at least 30 minutes;

(a) S.I. 1999/646.

(b) S.I. 1997/2964 as amended by S.I. 2000/3234, S.I. 2000/3377 and S.I. 2000/3387/W/224.

(c) S.I. 1997/2965 as amended by S.I. 1997/3062, S.I. 1998/2045 itself amended by S.I. 1998/2431, S.I. 1999/539, S.I. 2000/656, S.I. 2000/2672, S.I. 2000/3381 and S.I. 2000/3387/W/224.

- (e) heated to such temperature as may be specified in writing by a veterinary inspector, and held at that temperature for such period as may be so specified; or
 - (f) in the case of whey only, held at a temperature of not less than 10°C for a period of at least 24 hours.
- (4) No person shall sell or dispose of milk produced in an infected area (except by way of retail sale or disposal as waste), unless that sale or disposal is accompanied by a declaration signed by him and stating—
- (a) that the milk was produced in an infected area; and
 - (b) whether or not it has been treated in accordance with the requirements of paragraph (3).
- (5) Any person disposing of milk produced in an infected area as waste shall ensure that it does not come into contact with any animal.
- (6) No person shall use a tanker vehicle for the collection of milk from farms in an infected area unless an air filter of a type approved by the Minister has been fitted to the air outlet of the tank.
- (7) For the purposes of this article “milk” does not include cream.

Animals on common land

24. The owner or person in charge of any animal on common or unenclosed land shall not move the animal from that land unless instructed to do so by a notice from a veterinary inspector.

Straying animals

25.—(1) The owner or person in charge of an animal shall take all such steps as may be necessary to prevent it from straying from the premises on which it is kept.

(2) If an inspector finds a stray or feral animal, he may detain it and if he cannot ascertain the owner after reasonable enquiries, he may destroy it.

Control of dogs and poultry in an infected area

26.—(1) It shall be the duty of the owner of any dog to ensure that (except when it is in a dwellinghouse) it is kept under proper control by being—

- (a) confined in a kennel or other enclosure from which it cannot escape;
- (b) effectively secured to some fixed object by a collar and chain; or
- (c) accompanied by, and under the effectual control of, the owner or some responsible person authorised by him for the purpose.

(2) Any dog which is not kept under control in accordance with the provisions of this paragraph may be seized by the local authority or by the police, and dealt with in the same manner as a stray dog seized under the powers conferred by section 3 of the Dogs Act 1906(a).

(3) An inspector may, by notice served on the occupier of any premises on which any dog or poultry is kept, require him to keep such dog or poultry under such control as may be specified in the notice, or to confine that dog or poultry to the part of the premises specified in the licence.

Shearing or dipping of sheep in an infected area

27.—(1) Subject to paragraph (2) below, no person shall—

- (a) shear or dip sheep or cause sheep to be sheared or dipped; or
- (b) handle fleeces or sheep during shearing,

except in accordance with the conditions of a licence issued by the Minister.

(2) Paragraph (1) shall not apply to the occupier of any premises or his employee (other than a person employed by him primarily for the purpose of shearing sheep) in respect of the shearing of sheep kept on those premises.

(3) For the purposes of this article, “shearing” includes clipping and dagging.

Power to close footpaths and to prevent entry on to premises

28.—(1) Subject to paragraph (2) below, an inspector may, notwithstanding the existence of any right of way, prohibit the entry of any person on to any land, or into any agricultural building, by displaying, or causing to be so displayed, a notice to that effect at every entrance to that land or building.

(2) No person shall enter any land or building in respect of which a notice is displayed under paragraph (1) above, other than—

- (a) the owner of any animal on that land or in that building, or a person authorised by him, who enters for the purpose of tending that animal; or

(a) 1906 c. 32.

(b) a person entering that land or building under the authority of a licence granted by an inspector.

(3) A notice under paragraph (1) above shall only be removed in accordance with the written instructions of an inspector.

Cleansing and disinfection of certain premises

29. The occupier of a collecting centre, slaughterhouse or knacker's yard shall cleanse and disinfect the premises as soon as practicable after it has been emptied of animals and in any event before any animal, fodder, litter or thing is moved there again, at his own expense and in accordance with the provisions of paragraphs 1 and 2 of Schedule 2 to this Order together with any additional requirements notified by an inspector.

Prohibition of certain sporting and recreational activities

29A.—(1) The following activities are prohibited—

- (a) hunting, including falconry, hunting with hawks or other birds of the family Falconidae;
- (b) point-to-point meetings;
- (c) shooting game or other wildlife and deer; and
- (d) racing or coursing, or training for racing or coursing, of any hounds or dogs, other than the racing or training of greyhounds on a track which is a licensed track for the purposes of the Betting, Gaming and Lotteries Act 1963(a), or the training of greyhounds for racing at kennels licensed by the National Greyhound Racing Club.

(2) Nothing in paragraph (1) shall make it unlawful for—

- (a) the occupier of any land, or for a member of a shooting party consisting of not more than three persons who are members of the occupier's household or are authorised by him to shoot or attempt to shoot any game or other wildlife or deer found on that land; or
- (b) a person to cull deer under the authority of a licence of the Minister and subject to any conditions that may be specified therein.

(3) If a veterinary inspector is of the opinion that holding any sporting or recreational activity may cause the spread of disease he may prohibit it by serving a notice on the person responsible for the activity.

Markets, fairs, shows or other gatherings of animals

29B. No person shall use any premises for a fair, market, show or other gathering of animals, or collect or distribute animals for such an event.

PART IV

PROVISIONS TO APPLY IN CONTROLLED AREAS

Application of Part IV of this Order

30.—(1) Where, by Order, the Minister declares an area to be an infected area to which the provisions of this Part of this Order apply, the provisions of this Part, save as expressly varied or excepted by any such Order, shall apply to and have effect in, that area (in this Part of this Order referred to as a controlled area).

(2) Any premises which are partly within and partly outside a controlled area shall, subject to article 17(2) above, be deemed to be wholly within that controlled area.

Movement of animals

31.—(1) Subject to provisions of this article, no person shall—

- (a) move any animal from the premises on which it is, except under the authority of a licence issued by an inspector; or
- (b) move any animal into or out of the controlled area except under the authority of a licence issued by the Minister.

(2) An inspector of a local authority may only issue a licence permitting the movement of—

- (a) animals direct to a slaughterhouse approved by the Minister to slaughter animals moved by licence issued under this article; or

(a) 1963 c. 2.

(b) sheep or cattle to a collecting centre, licensed by the local authority under article 35, for onward movement direct to a slaughterhouse approved under paragraph (a) above, in accordance with the instructions of the Chief Veterinary Officer.

(3) For the purposes of this article, licences or approvals issued in Scotland or Wales operate as if granted in England.

(4) Where an animal is moved to a slaughterhouse under this article, the occupier of the slaughterhouse shall ensure that the animal is slaughtered at those premises in accordance with any condition relating to slaughter specified in the licence and in any event within 24 hours of arrival there.

(5) The person in charge of the vehicle in which animals are moved under this article shall ensure that it is thoroughly cleansed and disinfected in accordance with the requirements of paragraph 3 of Schedule 2 to this Order as soon as possible after the animals have been unloaded and, in any case, before the vehicle is moved from the delivery premises.

(6) The occupier of premises to which animals are moved under this article shall—

- (a) ensure that he or his representative is given the licence under which they have been moved before allowing the animals to be unloaded from the vehicle on which they have been transported;
- (b) forward that licence without delay to the local authority responsible for the area in which those premises are situated and, in the case of a slaughterhouse, provide a copy to the official veterinary surgeon appointed for those premises;
- (c) retain a copy of that licence for a period of 6 months and produce it upon request for inspection by an inspector;
- (d) provide adequate facilities, equipment and materials for the cleansing and disinfection in accordance with this article of the vehicle that delivered the animals to the premises; and
- (e) in the case of a collecting centre, ensure that sheep are marked or tagged so as to enable the identity of the collecting centre and the farm from which they were moved to be established throughout their onward movement to a slaughterhouse.

Control of products from slaughterhouses and knacker's yards

32.—(1) No person shall move any carcase or animal product (unless intended for human consumption) or any manure, slurry or litter, out of a slaughterhouse or knacker's yard except—

- (a) under the authority of a licence granted by the Minister; or
- (b) for disposal under the Animal By-Products Order 1999(a), the Specified Risk Material Order 1997(b) or the Specified Risk Material Regulations 1997(c).

(2) Anything moved under paragraph 1(a) above shall be moved in a drip-proof container or vehicle, and the owner or person in charge of that container or vehicle shall, as soon as possible after unloading and in any case before it is used again, cleanse and disinfect the container or vehicle in accordance with paragraph 3 of Schedule 2 to this Order.

(3) No person shall move anything under this article to premises on which there is an animal and any person moving or receiving anything under this article and the occupier of the premises to which it is moved shall ensure that it is not brought into contact with, or fed to, any animal.

Control of carcasses

33.—(1) No person shall move any carcase (other than the carcase of an animal slaughtered for human consumption or a suspect BSE or scrapie carcase destined for disposal) from premises other than a slaughterhouse or knacker's yard, except under the authority of a licence issued by the Minister.

(2) For the purposes of this article, a deer that is killed in the circumstances set out in paragraph (2) of article 36 below, shall not be considered to have been slaughtered for human consumption.

Prevention of animals from straying

34. The person in charge of an animal kept on any premises shall take all necessary steps to prevent that animal from straying from those premises.

Animals on common land

34A. The owner or person in charge of any animal on common or unenclosed land shall not move the animal from that land unless instructed to do so by a notice from a veterinary inspector.

(a) S.I. 1999/646.

(b) S.I. 1997/2964 as amended by S.I. 2000/3234, S.I. 2000/3377 and S.I. 2000/3387/W/224.

(c) S.I. 1997/2965 as amended by S.I. 1997/3062, S.I. 1998/2045 itself amended by S.I. 1998/2431, S.I. 1999/539, S.I. 2000/656, S.I. 2000/2672, S.I. 2000/3381 and S.I. 2000/3387/W/224.

Control of markets, sales and gatherings of animals

35.—(1) Subject to paragraph (2) below, no person shall use any premises for a fair, market, show or other gathering of animals.

(2) Notwithstanding the prohibition in paragraph (1) above, the use of premises as a collecting centre may be permitted by licence issued by an inspector of the local authority, in accordance with the advice of the Chief Veterinary Officer.

Hunting, shooting and stalking

36.—(1) Subject to paragraph (2) below, the following activities are prohibited—

- (a) hunting;
- (b) stalking; and
- (c) shooting deer.

(2) Nothing in paragraph (1) shall make it unlawful for—

- (a) the occupier of any land, or for a member of a shooting party consisting of not more than three people who are members of the occupier's household or are authorised by him to shoot or attempt to shoot any deer found thereon; or
- (b) a person to cull a deer under the authority of a licence and subject to any conditions that may be specified therein.

Cleansing and disinfection of certain premises and vehicles

37. The occupier of a collecting centre, slaughterhouse or knacker's yard shall cleanse and disinfect the premises as soon as practicable after it has been emptied of animals and in any event before any animal, fodder, litter or thing is moved there again, at his own expense and in accordance with the provisions of paragraphs 1 and 2 of Schedule 2 to this Order together with any additional requirements notified by an inspector.

Power to close footpaths

37A.—(1) Subject to paragraph (2) below, and with the prior written consent of the Minister, an inspector may, notwithstanding the existence of any public footpath or right of way, prohibit the entry of any person—

- (a) onto any land (including any common, or any unenclosed waste land); or
- (b) into any agricultural building,

by displaying or causing to be displayed a notice to that effect at every entrance to that land or building.

(2) No person shall enter any land or building in respect of which a notice is displayed under paragraph (1) other than—

- (a) the owner of any animal on that land or in that building or the employee of any such owner or any other person authorised by him or her who enters for the purpose of tending to that animal; or
- (b) a person entering the land or building under the authority of a licence granted by an inspector.

(3) No person shall remove a notice except under the authority of a licence granted by an inspector.

Disinfection

37B. Disinfection under this part shall be with a disinfectant approved for the purpose of foot and mouth disease under the Disease of Animals (Approved Disinfectants) Order 1978(a) at the concentration specified either for Foot and Mouth Disease or for "General Orders" whichever is higher.

Shearing of sheep in a controlled area

37C.—(1) Subject to paragraph (2) below, no person shall

- (a) shear sheep or cause sheep to be sheared; or
- (b) handle fleeces or sheep during shearing,

except in accordance with the conditions of a licence issued by the Minister.

(2) Paragraph (1) shall not apply to the occupier of any premises or his employee (other than a person employed by him primarily for the purpose of shearing sheep) in respect of the shearing of sheep kept on those premises.

(3) For the purposes of this article, "shearing" includes clipping and dagging.

(a) S.I. 1978/32 as amended by S.I. 1978/934, S.I. 1999/919 and as further amended in relation to England by S.I. 2000/3195 and S.I. 2001/608.

Licences

37D.—(1) Except under articles 31, 35 and 37A above, licences under this Part may only be issued by the Minister.

(2) The Minister shall not issue licences under this Part except in accordance with the advice of the Chief Veterinary Officer.

(3) Where a local authority issues a licence under this Part, it shall retain a copy of the licence for a period of 6 months.

Enforcement

37E. The provisions of this Part shall, in so far as they are to be enforced in slaughterhouses, be enforced by the Minister.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces Parts III and IV of the Foot-and-Mouth Disease Order 1983 (“the 1983 Order”) (S.I. 1983/1950). It consolidates the changes made to these Parts by—

The Foot-and-Mouth Disease (Amendment) (England) (No. 4) Order (S.I. 2001/1078);

The Foot-and-Mouth Disease (Amendment) (England) (No. 5) Order (S.I. 2001/1407);

The Foot-and-Mouth Disease (Amendment) (England) (No. 6) Order (S.I. 2001/1514).

It further amends the provisions of the 1983 Order by—

- (a) amending the range of prohibited sporting and recreational activities that are prohibited in an infected area (article 29A of the amended Part III) and in a controlled area (article 36 of the amended Part IV);
- (b) amending articles 21 and 33 (control of carcasses) to make it clear that the carcass of a deer slaughtered under article 29A or 36 can only be moved from the place it is killed, under the authority of a licence of the Minister;
- (c) removing from the Order, the form of licence for movements to slaughter;
- (d) amending articles 27 and 37C (sheep shearing) so as to prohibit (subject to certain exemptions) the shearing or dipping of sheep in an infected area and the shearing of sheep in a controlled area except in accordance with the terms of a licence issued by the Minister.

A Regulatory Impact Assessment has not been prepared for these Regulations.

£2.00

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1173 6/2001 630171 19585

ISBN 0-11-029543-9



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