

2001 No. 2814

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Foot-and-Mouth Disease (Amendment) (England)
(No. 10) Order 2001**

Made - - - - - 3rd August 2001

Coming into force on 4th August 2001

The Minister of Agriculture, Fisheries and Food, acting in exercise of the powers conferred on her by sections 1, 7, 8(1), 23, 25, 83(2), and 87(2) of the Animal Health Act 1981^(a) and of all other powers enabling her in that behalf, hereby makes the following Order:

Title application and commencement

1. This Order may be cited as the Foot-and-Mouth Disease (Amendment) (England) (No. 10) Order 2001; it applies in relation to England and shall come into force on 4th August 2001.

Amendment of the Foot-and-Mouth Disease Order 1983

2.—(1) The Foot-and-Mouth Disease Order 1983^(b) (in this Order referred to as the “1983 Order”), in so far as it applies in relation to England, shall be amended in accordance with the provisions of this Article.

(2) In article 18(1) the words “or the Minister” shall be added after “an inspector”.

(3) For article 29A(2) there shall be substituted the following paragraph—

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

- (a) the occupier of any land, or for the member of a shooting party consisting of not more than three persons who are members of the occupier’s household or persons employed by him as beaters, to shoot or attempt to shoot any game or other wildlife or any deer found on that land;
- (b) a person to shoot or attempt to shoot grouse, pheasant or partridge under the authority of a licence issued by a veterinary inspector and subject to any conditions that may be specified therein; or
- (c) a person to cull deer under the authority of a licence of the Minister and subject to any conditions that may be specified therein.”.

(4) In article 31(1)(a) the words “or the Minister” shall be added after “an inspector”.

(5) For article 36(2) there shall be substituted the following paragraph—

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

- (a) the occupier of any land, or for a member of a shooting party consisting of not

^(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, 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, by S.I.s 2001/571, 2001/680, 2001/974, 2001/1078, 2001/1407, 2001/1514, 2001/1862, 2001/2238 and 2001/2735.

more than three persons who are authorised by the occupier or are members or his household or who are persons employed by him as beaters to shoot or attempt to shoot any deer found on that land; or

- (b) a person to cull deer under the authority of a licence granted by an inspector and subject to any conditions set out therein.”.

(6) For article 38 there shall be substituted the following article—

“General powers of veterinary inspectors to take action to prevent the spread of disease

38.—(1) The powers conferred on a veterinary inspector by the following provisions of this article are without prejudice to any power conferred on an inspector by the foregoing provisions of this order.

(2) A veterinary inspector may, for the purpose of preventing the spread of disease, by notice in writing served on the occupier of any place—

- (a) prohibit the movement of any person into, within or out of that place;
- (b) prohibit the movement of any animal, poultry or thing into, within or out of that place;
- (c) require the detention or isolation of any animals, poultry or things in that place or require animals or poultry to be kept separate from other animals or poultry;
- (d) require the destruction, burial, disposal or treatment of any thing in that place;
- (e) require the cleansing and disinfection of that place or of part of it or of any thing in that place or require any person to disinfect himself; or
- (f) impose any other requirements with respect to that place or any animal, poultry or thing in that place,

in such manner and subject to such conditions as may be specified in the notice.

(3) A veterinary inspector may, for the purpose of preventing the spread of disease, by notice in writing served on the owner or person in charge of any animal, poultry or thing—

- (a) prohibit or require the movement of any animal, poultry or thing;
- (b) require the detention or isolation of any animals, poultry or things or require animals or poultry to be kept separate from other animals or poultry;
- (c) require the destruction, burial, disposal or treatment of any thing;
- (d) require the cleansing and disinfection of any thing or require any person to disinfect himself; or
- (e) impose any other requirements with respect to any animal, poultry or thing,

in such manner and subject to such conditions as may be specified in the notice.

(4) If, by virtue of any notice served under paragraph (2) or (3) above, any cleansing or disinfection is required to be carried out, it shall, unless the notice otherwise requires, be carried out by and at the expense of the person on whom the notice is served.

(5) For the purposes of this article—

“animal” means any kind of four-footed beast;

“thing” includes any animal product, carcase, embryo, ovum, semen, poultry carcase, milk, milk product, fodder, litter, dung, straw, slurry, utensil, pen, hurdle, vehicle, equipment and clothing.”.

(7) For article 46 there shall be substituted the following article—

“46.—(1) Subject to paragraph (2) below and subject as may otherwise be expressly provided, the provisions of this order shall be executed and enforced by the local authority.

(2) The Minister may direct, in relation to cases of a particular description, or in relation to a particular case, either that this order shall be executed and enforced by him and not the local authority or that this order shall be executed and enforced jointly by him and the local authority.”.

Effect of amendments to Part III of the 1983 Order

3. The reference to the provisions of Part III of the 1983 Order in article 29D(1) shall be construed as a reference to that order as amended hereby.

Effect of certain licences issued before the date of this Order

4. Licences issued by the Minister before the coming into force of this Order to authorise the movement of animals from premises in an infected area or a controlled area shall have effect from the coming into force of this Order as if so issued under article 18 or, as the case may be, article 31 of the 1983 Order as amended hereby.

Signed on 3rd August 2001

Elliot Morley
Parliamentary Under-Secretary of State,
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Foot-and-Mouth Disease Order 1983 (the “1983 Order”) (S.I. 1983/1950 as last amended, in relation to England, by S.I. 2001/2735) in relation to England.

The principal amendments made are as follows—

- (1) article 18 is amended so as to allow licences for animals to move from premises in an infected area declared under Part III of the 1983 Order to be granted by the Minister of Agriculture, Fisheries and Food (“the Minister”) as well as by an inspector (article 2(2));
- (2) article 29A(2) is replaced (article 2(3))—
 - (a) so as to make it clear that the number of permitted persons who may make up a shooting party allowed to shoot deer in an infected area declared under Part III of the 1983 Order (in accordance with that paragraph and as an exception to certain of the prohibitions set out in paragraph (1) of that article) shall include any beaters employed by the person on whose land the shoot takes place; and
 - (b) to allow the shooting (or attempted shooting) in an infected area (declared under Part III of the 1983 Order) of grouse, pheasant or partridge under a licence issued by a veterinary inspector.

(By virtue of article 3 of this Order, these amendments will also apply in relation to the equivalent provisions applying in a restricted infected area declared under Part IIIA of the 1983 Order);

- (3) article 31(1) is amended so as to allow licences for animals to move from premises in a controlled area declared under Part IV of the 1983 Order to be granted by the Minister as well as by an inspector (article 2(4));

- (4) article 36(2) is replaced (article 2(5)) so as to make it clear—

- (a) that the number of permitted persons who may make up a shooting party which is allowed to shoot deer in a controlled area declared under Part IV of the 1983 Order (in accordance with that paragraph and as an exception to certain of the prohibitions set out in paragraph (1) of that article) shall include any beaters employed by the person on whose land the shoot takes place; and
- (b) that licences to cull deer (as a further exception to prohibitions set out in paragraph (1) of that article) may be granted by inspectors;

- (5) article 38 (article 2(6)) is revoked and replaced so as to extend the power of veterinary inspectors to impose restrictions on the occupier of premises or on the owner or person in charge of any animal, poultry or thing for the purpose of preventing the spread of disease. The new article 38 enables a veterinary inspector to prohibit the movement of persons into, within or out of a place; to prohibit or require the movement of animals; to require the detention or isolation of animals, poultry or things or the separation of animals and poultry; to require the destruction, burial disposal or treatment of any thing; to require the cleansing and disinfection of any place or thing or to require any person to disinfect himself; or to impose other requirements with respect to any animal, poultry or thing; and

- (6) article 46 is amended (article 2(7)) so as to enable the Minister to direct either that she rather than the local authority should execute and enforce certain descriptions of cases or particular cases under the 1983 Order or that she should so execute and enforce the Order jointly with the local authority.

A regulatory impact assessment has not been prepared for this Order.

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