

2001 No. 680

ANIMALS, ENGLAND
ANIMAL HEALTH

The Foot-and-Mouth Disease (Amendment) (England)
(No. 2) Order 2001

Made - - - - - 2nd March 2001

*Coming into force
at 7.00 p.m. on 2nd March 2001*

The Minister of Agriculture, Fisheries and Food, acting in exercise of the powers conferred on him by sections 1, 2, 23(b) 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. This Order may be cited as the Foot-and-Mouth Disease (Amendment) (England) (No. 2) Order 2001; it extends to England and shall come into force on 2nd March 2001 at 7.00 p.m.

Amendment to the Foot-and-Mouth Disease Order 1983

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

(2) In article 3(1) immediately after the definition of “litter” there shall be inserted the following definition—

““made-up carriageway” shall have the same meaning as in section 329 of the Highways Act 1980(c);”

(3) For article 35B there shall be substituted the following article—

“Footpaths: area restrictions

35B—(1) If the Minister has confirmed foot-and-mouth disease in any part of the district of a local authority, the local authority may by regulations prohibit, for the purpose of preventing the spread of foot-and-mouth disease, the movement of any person—

- (a) onto any land (including any common, or any unenclosed or waste land) on which there are or may be animals; or
- (b) onto any footpath or right of way,

in an area in that district identified in those regulations except for such purposes (if any) as may be specified in them.

(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.

(c) 1980 c. 66.

(2) The local authority of a district where foot-and-mouth disease has not been confirmed may, after consultation with the Minister, by regulations prohibit, for the purpose of preventing the spread of foot-and-mouth disease, the movement of any person—

- (a) onto any land (including any common, or any unenclosed or waste land) on which there are or may be animals; or
- (b) onto any footpath or right of way,

in an area in that district identified in those regulations except for such purposes (if any) as may be specified in them.

(3) Regulations made under this article shall not—

- (a) restrict the movement of any person on or onto a made-up carriageway; or
- (b) prevent the entry onto any land of—
 - (i) the owner or occupier of that land or the employee of any such owner or occupier or any other person authorised by him; or
 - (ii) the owner of any animal on that land or the employee of any such owner or any other person authorised by him; or
 - (iii) any person entering that land under the authority of and in accordance with any conditions specified in a licence granted by an inspector.

(4) Regulations made under this article shall be notified on making to the Minister.

(5) The Minister by declaration published in such manner as he sees fit, or the local authority by regulations, may at any time vary or remove any restrictions imposed under this article.”

Continuing effect of declarations

3. Any declaration by a local authority prohibiting the movement of any person into or out of an area which was made under article 35B of the Foot-and-Mouth Disease Order 1983 prior to its substitution by this Order shall continue to have effect until revoked by—

- (a) a declaration of the Minister, published in such manner as he sees fit;
- (b) a further declaration of that local authority published in the same manner as the declaration being revoked; or
- (c) regulations made under article 35B as substituted by this Order.

Signed at 18.52
on 2nd March 2001

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to England, amends the Foot-and-Mouth Disease Order 1983 (S.I. 1983/1950, as amended) to allow local authorities in districts where foot-and-mouth disease has been confirmed to make regulations prohibiting, for the purpose of preventing the spreading of foot-and-mouth disease, the movement of persons onto any land (including any common, or any unenclosed or waste land) on which there are or may be animals susceptible to foot-and-mouth disease or onto any footpath or right of way in an identified area. In a district where the disease has not been confirmed the local authority may make such regulations after consultation with the Minister.

Regulations made under this power may not restrict the movement of any person on or onto a made-up carriageway or the entry onto land of certain specified categories of person.

Contravention of the Foot-and-Mouth Order 1983 is an offence under section 73 of the Animal Health Act 1981, and persons found guilty of such an offence are liable to a fine of up to £5,000.

STATUTORY INSTRUMENTS

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