

2002 No. 1348

ANIMALS, ENGLAND
ANIMAL HEALTH

The Disease Control (Interim Measures) (England)
(Amendment No. 2) Order 2002

Made - - - - at 5.20 pm on 14th May 2002

Coming into force - - 15th May 2002

The Secretary of State, in exercise of the powers conferred on her under sections 1 and 8(1) of the Animal Health Act 1981(a) and of all other powers enabling her in that behalf, makes the following Order:

Title, application and commencement

1. This Order may be cited as the Disease Control (Interim Measures) (England) (Amendment No. 2) Order 2002; it applies to England and shall come into force on 15th May 2002.

Amendment of the Disease Control (Interim Measures) (England) Order 2002

2.—(1) The Disease Control (Interim Measures) (England) Order 2002(b) shall be amended in accordance with the following provisions of this article.

(2) In article 2—

- (a) before the definition of “the Act” the following definition shall be added—
““animals” means cattle, sheep, goats, and all other ruminating animals, swine and elephants;”;
- (b) for the definition of “collecting centre” there shall be substituted the following—
““collecting centre” means premises used for the intermediate reception of animals intended to be moved elsewhere and includes any place used, whether as a market or otherwise, for the sale or trading of animals but only where the animals being sold or traded are intended for immediate slaughter thereafter;”;
- (c) after the definition of “hunting” there shall be added the following definition—
““individual identification number” has the same meaning as in the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002(c);”;
- (d) for the definition of “Minister” there shall be substituted the following definition—
““Minister” means the Secretary of State except in relation to anything done before 27th March 2002 for which purpose it means the Minister of Agriculture, Fisheries and Food;”;

(a) 1981 c. 22. Functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) and were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(b) S.I. 2002/242, as amended by S.I. 2002/907.

(c) S.I. 2002/240, as amended by S.I. 2002/764.

- (e) the word “and” where it appears at the end of the definition of a “sole occupancy group” shall be deleted;
 - (f) the full stop where it appears at the end of the definition of “tack land” shall be replaced with “; and”; and
 - (g) after the definition of “tack land” there shall be added the following—
 ““veterinary treatment” includes, in the case of goats, the collection of semen.”.
- (3) In article 3—
- (a) in sub-paragraph (2)(a) the word “exhibition,” shall be deleted;
 - (b) for sub-paragraph (2)(b) there shall be substituted the following—
 “(b) if the movement is—
 - (i) of a pig as referred to in article 8(3)(b) of the Pigs (Records, Identification and Movement) Order 1995(a) or to a market for pigs intended for immediate slaughter;
 - (ii) of an animal direct to a slaughterhouse, or to a collecting centre for animals intended for immediate slaughter, provided that in the latter case—
 - (aa) the collecting centre premises have not been and will not be used on the same day for a show or exhibition or for the sale or trading of animals otherwise than for immediate slaughter; and
 - (bb) all animals moved to the collecting centre are moved from there direct to a slaughterhouse;
 - (iii) of a calf less than 30 days old (for which a cattle passport has been issued and to which ear tags have been applied in accordance with article 3(3) of the Cattle Identification Regulations) from premises of origin which are either the premises on which the calf was born or other premises in the same sole occupancy group, save that this exemption shall not apply if—
 - (aa) any animal has been moved during the standstill period direct from a market on to the premises of origin or other premises in the same sole occupancy group;
 - (bb) the calf is being moved to a collecting centre or market; or
 - (cc) the calf is being moved to a show or exhibition;
 - (iv) of a lamb or kid less than 7 days old from premises of origin which are either the premises on which it was born or other premises in the same sole occupancy group to any other premises not more than 10 kilometres by road from the premises of origin, where this is for the purpose of fostering that lamb or kid;
 - (v) the return from tack land of a sheep to the premises from which it was originally moved or to other premises in the same sole occupancy group provided that the tack land was managed separately from and had a different CPH number from the remainder of any premises of which it was a part at all times during the period the sheep was there;
 - (vi) of an animal between premises in a sole occupancy group in accordance with an authority issued by the Minister;
 - (vii) of an animal to a show or exhibition from another show or exhibition;
 - (viii) of an animal to a show or exhibition, otherwise than from another such event or from premises to which it has been moved and where it is still subject to isolation pursuant to paragraph (x) below, provided it has been isolated for the 20 days preceding the day of the movement from all other animals on the premises of origin and any other premises in the same sole occupancy group and has been identified, marked or tagged—
 - (aa) in the case of cattle in accordance with the requirements of the Cattle Identification Regulations;
 - (bb) in the case of a sheep or goat with an individual identification number;
 - (cc) in the case of a deer in accordance with the requirements of the Tuberculosis (Deer) Order 1989(b); or

(a) S.I. 1995/11, as amended by S.I. 1995/2922 and, as regards England, by the Pig (Records, Identification and Movement) (Interim Measures) (England) Order 2002 (S.I. 2002/241).

(b) S.I. 1989/878, to which relevant amendments are made by S.I. 1993/2010.

- (dd) in the case of a camelid in accordance with any requirements specified in the licence issued under paragraph (1)(a) above pursuant to which it is being moved;
- (ix) of an animal to a show or exhibition from premises to which it has been moved and on which it is still subject to isolation pursuant to paragraph (x) below;
- (x) of an animal from a show or exhibition to anywhere other than another show or exhibition provided that for the 20 days following the movement from the show or exhibition—
- (aa) it is not moved from the new premises except to another show or exhibition; and
- (bb) while on the new premises is isolated from all other animals;
 - (xi) of cattle from premises of origin in circumstances where—
 - (aa) the only movement of animals on to the premises of origin has been of a calf less than 30 days old brought from the premises on which it was born or from other premises in the same sole occupancy group;
 - (bb) the premises of origin are authorised to be used as a specialist calf rearing unit by a notice issued by a veterinary inspector or the Minister; and
 - (cc) the cattle to be moved have been issued with cattle passport and tagged in accordance with the Cattle Identification Regulations;
 - (xii) of an animal for direct export or to a collecting centre or assembly centre approved under regulation 12(2) of the Animals and Animal Products (Import and Export) (England and Wales) Regulations 2000^(a) prior to such export;
 - (xiii) of an animal which has been imported into the United Kingdom direct to any premises from its point of entry into the United Kingdom;
 - (xiv) of an animal between land over which the owner or keeper of the animal has a registered right of common and premises occupied by the owner or keeper in relation to which the registered right of common is customarily exercised;
 - (xv) of a camelid being taken on a trekking expedition;
 - (xvi) of pigs, cattle, or sheep to an artificial insemination centre, provided, in the case of sheep, that they have been isolated for the 20 days preceding the movement from all other animals on the premises of origin and any other premises linked to them in a sole occupancy group;
 - (xvii) of pigs, sheep, goats, cattle, camelids or deer to a place for veterinary treatment provided (except in the case of pigs) that the animals will be isolated from all other animals there whilst the treatment is carried out;
 - (xviii) of a bull or ram or a goat, camelid or deer of either sex for breeding purposes, provided it is identified, marked or tagged—
 - (aa) in the case of a bull in accordance with the requirements of the Cattle Identification Regulations;
 - (bb) in the case of a ram or goat with an individual identification number;
 - (cc) in the case of a deer in accordance with the requirements of the Tuberculosis (Deer) Order 1989; or
 - (dd) in the case of a camelid in accordance with any requirements specified in the licence issued under paragraph (1)(a) above pursuant to which it is being moved, and is accompanied during the movement by a declaration that it is being moved for breeding purposes signed by or on behalf of its owner or keeper and, in the case of a ram or goat, has been isolated for the 20 days before the movement from all other animals on the premises of origin and any other premises linked to them in a sole occupancy group;
 - (xix) of sheep returning from premises to which they were moved solely for the purposes of taking part in a sheep dog trial there; or
 - (xx) of an animal being moved to a laboratory for diagnostic tests to be carried out to ascertain whether the animal is affected by or has been exposed to a disease; or”;
- (c) for paragraph (3) there shall be substituted the following—

^(a) S.I. 2000/1673, as amended by S.I. 2000/2266, S.I. 2000/2524, S.I. 2000/2900 and 2000/3128 and in relation to England by S.I. 2002/467 and S.I. 2002/956.

“(3) For the purposes of paragraph (1)(b) above no account shall be taken of the movement on to the premises of origin or other premises in the same sole occupancy group of—

- (a) a pig—
 - (i) which is being returned to those premises from a place to which it had been moved for breeding, an artificial insemination centre or a place to which it had been moved for veterinary treatment provided it is isolated for 20 days after the date of its return from all other animals; or
 - (ii) where that movement is as referred to in article 8(3)(b) of the Pig (Records, Identification, and Movement) Order 1995;
- (b) an animal which is being moved to those premises direct from an exhibition or show provided that—
 - (i) the animal is isolated in accordance with the requirements of paragraph (2)(b)(x) above; and
 - (ii) the attendance of the animal at that exhibition or show has been notified to the local authority;
- (c) a bull or a deer or camelid of either sex for breeding purposes, provided it has been identified, marked or tagged—
 - (i) in the case of a bull in accordance with the requirements of the Cattle Identification Regulations;
 - (ii) in the case of a deer in accordance with the requirements of the Tuberculosis (Deer) Order 1989; or
 - (iii) in the case of a camelid in accordance with any requirements specified in a licence issued pursuant to paragraph (1)(a) above under which it is being moved,
and is accompanied by a declaration that the movement is for breeding purposes signed by or on behalf of its owner or keeper;
- (d) a ram or a goat of either sex for breeding purposes provided—
 - (i) it has been identified with an individual identification number and is accompanied by a declaration that it is being moved for breeding purposes signed by its owner or keeper;
 - (ii) it has not come from a market; and
 - (iii) either no animals have been brought on to the premises from which it has come or other premises linked with them in a sole occupancy group during the 20 day period preceding the day of the movement or the ram or goat has been isolated during that period from all other animals on such premises;
- (e) a ram or a goat of either sex which is being returned to those premises from a place to which it had been moved for breeding purposes provided it is isolated for 20 days after the date of its return from all other animals;
- (f) a camelid brought from premises where no animals other than camelids have been present at any time during the 20 days preceding the movement of the camelid on to the premises of origin or other premises in the same sole occupancy group;
- (g) a sheep which is being returned to those premises from tack land provided the tack land has been managed separately from and had a different CPH number from the remainder of any premises of which it is a part during the period the sheep was there;
- (h) a calf less than 30 days old from the premises on which it was born or other premises in the same sole occupancy group, provided that the premises of origin are authorised to be used as a specialised calf rearing unit by a notice issued by a veterinary inspector or the Minister;
- (i) an animal from either—
 - (i) its point of entry into the United Kingdom following its import from another Member State; or
 - (ii) the premises to which it has been moved from its point of entry into the United Kingdom;
- (j) an animal which is brought on to those premises in a vehicle provided that—
 - (i) the animal is not unloaded from that vehicle at those premises; and

- (ii) such movement is carried out in accordance with the conditions of a licence issued under paragraph (1)(a) above;
 - (k) a camelid which is returning to those premises from a trekking expedition or which is crossing them in the course of such an expedition;
 - (l) a lamb less than 7 days old in the circumstances described in paragraph (2)(b)(iv) above;
 - (m) cattle which are being returned to those premises from an artificial insemination centre;
 - (n) sheep which are being returned to those premises from an artificial insemination centre provide they have been at that centre for the preceding 20 days;
 - (o) sheep, goats, cattle, camelids or deer being returned to those premises from a place for veterinary treatment or of any offspring to which they have given birth whilst there provided those animals and such offspring have been isolated from all other animals whilst at that place; or
 - (p) an animal moved on to those premises for diagnostic tests to be carried out to ascertain whether it is affected by or has been exposed to disease.”;
- (d) after paragraph (4) there shall be added the following—

“(4A) The requirements set out in paragraph (1) shall not apply in any case in respect of which a licence has been issued or granted on or after 15th May 2002 under the Foot-and-Mouth Disease Order 1983(a) to authorise the movement of an animal to or from any premises.”

- (e) for paragraph (5) there shall be substituted the following—

“(5) Except in the cases referred to in paragraph (2)(b)(xvii) and (3)(o) above where any animal, other than a pig, is required to be isolated for any purpose under this article, this means isolated in isolation facilities approved by a veterinary inspector.”; and

- (f) in paragraph (7) for the words “or the Scottish Ministers” there shall be substituted “the Scottish Ministers or the National Assembly for Wales**(b)**”.

(4) In article 5

- (a) for paragraph (2) there shall be substituted the following—

“(2) Paragraph (1) above shall not apply—

- (a) to the occupier of any premises or his employee (other than a person employed by him primarily for the purpose of shearing or dipping sheep) in respect of the shearing or dipping of sheep kept on those premises; or
- (b) to any person who carries out any of the activities referred to in that paragraph under the authority and in accordance with the conditions of a licence issued under article 37C(1) of the Foot-and-Mouth Disease Order 1983 on or after 15th May 2002.”; and

- (b) after paragraph (3) there shall be added the following paragraph—

“(3A) A licence as referred to in paragraph (2)(b) above which would cease to be valid because of the revocation of a controlled area order shall continue to have effect under this Order as if it were a licence issued under paragraph (1) above and the provisions of this Order shall apply accordingly to it.”.

(5) In article 6

- (a) for paragraph (2) there shall be substituted the following—

“(2) Paragraph (1) above shall not apply—

(a) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and further amended, as regards England, by S.I. 2001/571, S.I. 2001/680, S.I. 2001/974, S.I. 2001/1078, S.I. 2001/1407, S.I. 2001/1514, S.I. 2001/1862, S.I. 2001/2238, S.I. 2001/2735, S.I. 2001/2814, S.I. 2001/2994, S.I. 2001/3140, S.I. 2001/3722 and S.I. 2001/4029.
 (b) The National Assembly for Wales was established by section 1 of the Government of Wales Act 1988 (1988 c. 38).

- (a) to the occupier of any premises or his employee (other than a person employed by him primarily for the purposes of carrying out ultra sound scanning of sheep) in respect of the carrying out of ultrasound scanning of sheep kept on those premises using ultrasound scanning equipment kept or owned by the occupier; or
- (b) to any person who carries out ultrasound scanning of sheep under the authority and in accordance with the conditions of a licence issued on or after 15th May 2002 under the Foot-and-Mouth Disease Order 1983.”; and

(b) after paragraph (3) there shall be added the following paragraph—

“(4) A licence as referred to in paragraph (2)(b) above which would cease to be valid because of the revocation of a controlled area order shall continue to have effect under this Order as if it were a licence issued under paragraph (1) above and the provisions of this Order shall apply accordingly to it.”.

(6) In article 7 after paragraph (2) there shall be added the following paragraph—

“(2A) Paragraph (1) above shall not apply to any person who takes part in hunting under the authority and in accordance with the conditions of a permit issued on or after 15th May 2002 under article 36(2)(d) of the Foot-and-Mouth Disease Order 1983 but if such a permit shall cease to be valid by reason of the revocation of a controlled area order it shall instead continue to have effect as if it were a permit issued under paragraph (2)(b) above.”

(7) In article 8, paragraphs (3) and (4), for the words “article 3(2)(b)(viii)” there shall be substituted “article 3(2)(b)(xi)” and for the words “3(3)(f)” there shall be substituted “3(3)(h)”.

Signed at 5.20pm
On 14th May 2002

Whitty
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 Disease Control (Interim Measures) (England) Order 2002 (the “principal Order”) (S.I. 2002/242) (as amended by S.I. 2002/907).

The principal amendments made are as follows—

- (a) a definition is added for animals and the definition of “collecting centre” is replaced with an amended definition so as to allow places used for the trading of animals intended for immediate slaughter to be included in that term as used in the principal Order (article 2(2));
- (b) the existing exemption, in article 3(2)(a) of the principal Order, from the standstill requirement set out in article 3(1)(b) thereof (the “standstill requirement”) for movements from certain types of premises is amended so as to remove the reference to “exhibitions” (article 2(3)(a));
- (c) the exemption, in article 3(2)(b) of the principal Order, from the standstill requirement for movements of an animal to a collecting centre for animals intended for immediate slaughter is amended so as to exclude movements to collecting centres which are also to be used on the same day for a show or exhibition or for trading animals otherwise than for immediate slaughter (article 2(3)(b));
- (d) the exemption, in article 3(2)(b) of the principal Order, from the standstill requirement for calves less than 30 days old moving from the premises on which they were born or other premises in the same sole occupancy group (as defined in article 2 of the principal Order) is amended so as to exclude cases where the animal is being moved to a collecting centre, market, show or exhibition (article 2(3)(b));
- (e) the exemption, in article 3(2)(b) of the principal Order, from the standstill requirement for lambs less than 7 days old moving from the premises on which they were born or other premises in the same sole occupancy group to other premises not more than 10 kilometres away for fostering purposes is extended to include movements of kid goats in the same circumstances (article 2(3)(b));
- (f) the exemption, in article 3(2)(b) of the principal Order, from the standstill requirement for animals returning from a show is amended so as to extend to animals moving from a show or exhibition to anywhere other than another such event subject to the animal being kept at the new premises for 20 days after the movement and to its being isolated for the same period (unless it is moved during it to another show or exhibition) from all other animals there (article 2(3)(b));
- (g) further exemptions are added (article 2(3)(b)) to the list of movements (set out in article 3(2)(b) of the principal Order) which can be made, notwithstanding a standstill requirement on the premises where the movement starts—
 - (i) for animals moving to a show or exhibition from another show or exhibition;
 - (ii) for animals moving to a show or exhibition otherwise than from another such event subject to certain identification requirements being met and their having been isolated for the 20 days preceding the movement from all other animals at the premises from which they have come and on any other premises linked with it in sole occupancy group (as defined in article 2 of the principal Order);
 - (iii) for animals moving to a show or exhibition from premises where it is being isolated from other animals following its return from another show or exhibition;
 - (iv) for sheep moving from sheep dog trial premises back to the premises from which they were originally moved to take part in those trials;
 - (v) for rams, goats, camelids and deer being moved for breeding purposes subject to certain identification and other requirements being met and, in the case of rams and goats, to their being isolated from all other animals for 20 days prior to the movement;
 - (vi) for animals being moved to a laboratory for diagnostic tests to ascertain whether they are affected by or have been exposed to disease; and
 - (vii) for sheep or goats being moved to an artificial insemination centre subject to their being isolated from other animals for the 20 days preceding the movement;

- (h) the list of movements set out in article 3(3) of the principal Order which do not give rise to a standstill requirement on the premises onto which animals are moved is also amended (article 2(3)(c) so as—
- (i) to replace the existing exemption in relation to animals returning from a show with a provision allowing an animal to move to any premises direct from a show or exhibition without a standstill arising at those premises, provided the animal is isolated for 20 days from all other animals there (or, if it is moved to another exhibition or show during that period, for the part of the period when it is on those premises) and provided the animal's attendance at the show or exhibition has previously been notified to the local authority;
 - (ii) to vary the exemption in relation to movements of breeding bulls onto any premises to remove the requirement for prior veterinary examination of the bull and other animals in the same management unit at the premises from which it has been bought;
 - (iii) to provide for movements of rams, goats, camelids and deer on to any premises for breeding purposes not to give rise to a standstill requirement provided—
- (aa) that certain identification and other requirements are met; and,
 - (bb) in the case of rams and goats, that, either, in the 20 days preceding the movement, no animal was brought onto the premises from which the rams or goats have been moved or onto any other premises linked in the same sole occupancy group or else that the rams or goats have been isolated from other animals there during such period;
 - (iv) to provide for the movement of an animal to a laboratory for diagnostic tests not to give rise to a standstill requirement at the laboratory;
 - (v) to provide for the return of sheep and goats from an artificial insemination centre not to give rise to a standstill requirement provided they have been at that centre for 20 days; and
 - (vi) to provide for the return of rams and goats from a place to which they have been moved for breeding purposes not to give rise to a standstill requirement so long as the rams or goats are isolated from other animals for a 20 day period after their return; and
- (i) provision is made—
 - (i) for the requirements to have a movement licence issued under article 3(1)(a) of the principal Order and to observe the standstill requirement under article 3(1)(b) thereof not to apply where a licence to move an animal to or from any premises has been issued or granted under the Foot-and-Mouth Disease Order 1983 (S.I. 1983/1950, as amended) (article 2(3)(d)) on or after 15th May 2002;
 - (ii) for the requirements to have a licence to shear or dip sheep or to handle fleeces or sheep during dipping or shearing and to have a licence to carry out ultrasound scanning of sheep not to apply where an equivalent licence issued, on or after 15th May 2002, under the Foot-and-Mouth Disease Order 1983 is held (articles 2(4) and (5)); and
 - (iii) for hunting with dogs not to be unlawful under the principal Order if a permit to hunt is granted under article 36(2)(d) of the Foot-and-Mouth Disease Order 1983 on or after 15th May 2002 (article 2(6)).

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

£2.00

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