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STATUTORY INSTRUMENTS

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**2003 No. 1729**

**The Disease Control (England) Order 2003**

**PART 1**

*Introduction*

**Title, application and commencement**

1. This Order may be cited as the Disease Control (England) Order 2003; it applies in England and comes into force on 1st August 2003.

**Interpretation**

2. In this Order—

“animals” means cattle (excluding bison and yak), deer, goats, pigs and sheep;

“collecting centre” means premises used for the intermediate reception of animals intended to be moved elsewhere (but does not include a market or other place used for the sale or trading of animals unless all the animals there are intended for immediate slaughter);

“keeper” means any person having care and control of animals even on a temporary basis and includes, for the purposes of article 13(2)(a), any person transporting the animals;

“land” includes common or unenclosed land;

“premises” includes land, with or without buildings;

“sole occupancy group” has the meaning assigned by article 11;

“veterinary surgeon” means a fellow or member of the Royal College of Veterinary Surgeons;

“slaughterhouse” has the meaning it is given in the Fresh Meat (Hygiene and Inspection) Regulations 1995(1);

“standstill period” means a period when animals may not be moved off premises because of the provisions of articles 4 or 5; and

“veterinary treatment” includes, in the case of goats, the collection of semen.

**Exceptions**

3. This Order shall not apply in relation to a movement—

(a) licensed under the Foot-and-Mouth Disease Order 1983(2); or

(b) to or from a zoo licensed under the Zoo Licensing Act 1981(3).

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(1) S.I.1995/539 as last amended by S.I. 2002/118.

(2) S.I. 1983/1950 as last amended by S.I. 2001/4029.

(3) 1981 c. 37.

## PART 2

### *Movement restrictions*

#### **Restrictions on the movement of cattle, sheep and goats**

4. No person shall move any sheep, goats or cattle from any premises if any sheep, goats, cattle or pigs have been moved on to those premises during the previous 6 days.

#### **Restrictions on the movement of pigs**

5. No person shall move a pig from any premises if—
- (a) any pig has been moved on to those premises during the previous 20 days; or
  - (b) any cattle, goats or sheep have been moved on to those premises during the previous 6 days.

#### **Permitted movements during standstill**

6. Notwithstanding articles 4 and 5, animals may be moved off premises during the standstill period if—

- (a) the movement is one specified in Schedule 1; or
- (b) a permit disapplying the standstill period has been issued by a veterinary inspector.

#### **Movements that do not trigger a standstill period**

7. The standstill period is not triggered by a movement on to premises if it is a movement specified in Schedule 2.

#### **Isolation facilities**

8.—(1) Where animals are held in an isolation facility under any provision of this Order, and other animals are moved in before they are released from the isolation facility, no animal may be removed from the isolation facility before the last date of release of the last animals moved into the isolation facility.

- (2) Pigs may not share an isolation facility with animals of any other species.

#### **Marking sheep and goats travelling to shows or exhibitions**

9. No person shall move sheep or goats to a show or exhibition unless the animals are marked with an individual identification number in accordance with article 6 of the Sheep and Goats Identification and Movement (Interim Measures) (England) (No. 2) Order 2002(4).

#### **Restrictions on movements to and from slaughterhouses**

10. No person shall—
- (a) move any animal to a slaughterhouse save for the purpose of slaughter within 48 hours of its arrival there; or
  - (b) receive any animal from a slaughterhouse unless, in the case of any animal other than a pig, under the authority of a licence issued by a veterinary inspector.

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(4) S.I. 2002/2153, amended by S.I. 2003/29, S.I. 2003/502 and S.I. 2003/1728.

### **Sole occupancy groups**

11. The Secretary of State may authorise sets of premises as sole occupancy groups if she is satisfied that the premises are linked in terms of their control.

## **PART 3**

### *Licences*

#### **Requirement for a licence to move animals**

12.—(1) No person shall move an animal from any premises unless the movement is made under the authority of a licence issued by the Secretary of State or an inspector.

(2) Paragraph (1) shall not apply to any movement authorised by a licence under article 10 of the Pigs (Records, Identification and Movement) (Interim Measures) (England) (No. 2) Order 2002<sup>(5)</sup> (licences relating to pet pigs).

#### **Notices prohibiting movement under a general licence**

13.—(1) Where a general licence has been issued under article 12, the Secretary of State may issue a notice prohibiting—

- (a) the movement under the authority of that licence of any animal from any premises specified in the notice; or
- (b) any person specified in the notice from moving animals under the authority of that licence either generally or to or from any premises specified in the notice.

(2) A notice may only be issued under paragraph (1) on the advice of an inspector, who must be of the opinion that—

- (a) the provisions of this Order are not being or have not been complied with in relation to animals moved to or from the premises in question or in relation to the movement of any other animals of which the person on whom the notice is to be served is or has at any time been the keeper, and
- (b) the service of a notice is necessary to prevent a possible spread of disease.

(3) A notice issued under paragraph (1)(a) shall be served on the occupiers of each of the premises specified in the notice and in any other way that the Secretary of State thinks fit to draw the notice to the attention of persons affected by it.

(4) A notice issued under paragraph (1)(b) shall be served on the person prohibited from moving animals by the notice and on the occupiers of any premises individually named in the notice.

(5) A notice shall be in writing, may be subject to conditions and may be amended, suspended or revoked at any time by further notice by the Secretary of State.

#### **Specific licences**

14.—(1) An animal moved under a specific licence shall—

- (a) be moved by the most direct route available to the place of destination specified in the licence, and
- (b) be accompanied throughout the movement by the licence.

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(5) S.I. 2002/2154 as amended by S.I. 2003/28.

(2) The person in charge of any animal moved under a specific licence shall, on demand made by a constable or by an inspector or other officer of the Secretary of State or of a local authority—

- (a) produce the licence;
- (b) allow a copy or an extract to be taken; and
- (c) if so required, furnish his name and address.

(3) Every animal which is moved under the authority of a licence under this Order shall be kept separate throughout such movement from any animal which is not being moved under the authority of that licence.

(4) Where animals are moved under a specific licence, then, unless the licence provides otherwise, the occupier of premises which they are moved on to shall—

- (a) ensure that he or his representative is given the licence before allowing the animals to be unloaded; and
- (b) keep the licence for six months and during that period produce it to an inspector on request.

#### **General licences**

**15.** Where animals are moved under a general licence, and that licence requires the person moving the animals to have a movement document, the occupier of premises which they are moved on to shall—

- (a) ensure that he or his representative is given the top copy of the movement document before allowing the animals to be unloaded;
- (b) complete the top copy to indicate that he has received the animals, sign it, and send it to the local authority without undue delay; and
- (c) keep a copy of the completed document for six months and during that period produce it to an inspector on request.

#### **Copies of licences**

**16.** Where an inspector of a local authority issues a licence under article 12(1), he shall retain a copy of the licence for six months.

#### **Compliance with licences, etc.**

**17.** If any person fails to comply with a licence, permit, authorisation or notice issued under this Order an officer of the Secretary of State or an inspector may arrange for it to be complied with at the expense of the person in default.

#### **Licences issued in Scotland or Wales**

**18.** A licence issued by the competent authority in Scotland or Wales for the purpose of the movement of animals operates in England as if it had been issued under this Order.

## PART 4

### *Miscellaneous and enforcement*

#### **Licences, permits and authorisations**

**19.**—(1) Any licence, permit or authorisation under this Order shall be in writing, may be general or specific, may be subject to conditions and may be varied, suspended or revoked at any time by notice in writing issued—

- (a) by the Secretary of State, in the case of a licence, permit or authorisation issued by the Secretary of State or an inspector of any kind;
- (b) by a veterinary inspector, in the case of a licence or permit issued by a veterinary inspector or any other inspector of the Secretary of State;
- (c) by an inspector of the Secretary of State (other than a veterinary inspector), in the case of a licence issued by any such inspector; or
- (d) by an inspector of a local authority, in the case of a licence issued by an inspector of that local authority.

(2) In deciding whether to issue a licence under article 12(1) or a permit under article 6(b) an inspector or a veterinary inspector shall comply with any instructions issued by the Secretary of State.

#### **Cleansing and disinfection**

**20.**—(1) A licence issued under article 12(1), a permit issued under article 6(b) or an authorisation under article 11 may specify requirements for the cleansing and disinfection of any vehicle used for moving animals additional to the requirements of the Transport of Animals (Cleansing and Disinfection) (England) Order 2003<sup>(6)</sup>.

(2) Where animals are moved under a licence, the occupier of the premises which they are moved on to shall provide adequate facilities, equipment and materials for any cleansing and disinfection required by the licence.

#### **Change of occupation of premises**

**21.**—(1) Where, on the termination of his right of occupation of any premises, the owner of any animal on those premises is unable to remove it from those premises by reason of any restriction imposed by or under this Order, the person entitled to the occupation of those premises shall—

- (a) afford the owner of that animal and any person authorised by him for the purpose, all such facilities as may be necessary for feeding, tending or otherwise using that animal (including selling it) as the owner may reasonably require; or
- (b) where the owner of that animal is unable or unwilling to avail himself of such facilities, take all such steps as may be necessary to ensure that the animal is properly fed, tended and kept.

(2) The provisions of paragraph (1) shall continue to apply until the expiry of a period of 7 days from the date on which any restriction on the movement of the animal off the premises ceases to apply and the owner of the animal shall be liable to pay to the person who affords any facilities or feeds, tends or otherwise keeps that animal, in accordance with those provisions, such sums by way of remuneration and reimbursement of expenses as may be just and reasonable in all the circumstances.

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(6) S.I. 2003/255.

### **Enforcement**

**22.**—(1) This Order shall be enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority under this regulation shall be discharged by the Secretary of State and not by the local authority.

### **Revocations**

**23.** The Disease Control (Interim Measures) (England) (No. 2) Order 2003(7) is revoked.

10th July 2003

*Whitty*  
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Affairs