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STATUTORY INSTRUMENTS

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**2003 No. 1729**

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

**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 [<sup>F1</sup>the Transport of Animals (Cleansing and Disinfection) (England) (No. 3) Order 2003] .

(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.

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**Textual Amendments**

- F1** Words in art. 20(1) substituted (12.5.2008) by [The Disease Control \(England\) \(Amendment\) Order 2008 \(S.I. 2008/1066\)](#), arts. 1, **2(4)**

**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.

### 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.

[<sup>F2</sup>(3) Where the Secretary of State makes a direction under paragraph (2), the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under section 73 of the Animal Health Act 1981 relating to this Order.]

### Textual Amendments

**F2** [Art. 22\(3\)](#) added (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **5(3)**

### Revocations

**23.** The Disease Control (Interim Measures) (England) (No. 2) Order 2003(1) is revoked.

### [<sup>F3</sup>Review

**24.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision in this Order, and
- (b) publish a report setting out the conclusions of the review.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision,
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(3) The first report under this article must be published before 6th April 2021.

(4) Subsequent reports under this article must be published at intervals not exceeding five years.

(5) In this article, “regulatory provision” has the meaning given by section 32(4) of the Small Business, Enterprise and Employment Act 2015.]

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(1) [S.I.2003/1279](#).

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**Textual Amendments**

- F3** Art. 24 inserted (6.4.2016) by [The Disease Control \(England\) \(Amendment\) Order 2016 \(S.I. 2016/280\)](#), arts. 1, 7

**Changes to legislation:**

There are currently no known outstanding effects for the The Disease Control (England) Order 2003, PART 4.