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STATUTORY INSTRUMENTS

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**2006 No. 182**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease (England) Order 2006**

*Made* - - - - *30th January 2006*

*Coming into force* - - *23rd February 2006*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 1, 2, 7(1), 8(1), 13, 15(3), 15(4), 17(1), 23, 25, 26(1), 26(2), 28, 34(7), 38(1), 65A(3), 83(2), 87(2) and 87(5) of the Animal Health Act 1981(1) and now vested in her(2):

**PART 1**

**Introduction**

**Title, application and commencement**

- 1.—(1) This Order may be cited as the Foot-and-Mouth Disease (England) Order 2006.
- (2) It applies only in England and comes into force on 23rd February 2006.

**Interpretation**

- 2.—(1) In this Order—
  - “the Act” means the Animal Health Act 1981;
  - “animal gathering” means an event at which animals are brought together, including a market, show or fair, but not any occasion at which animals are brought together on the premises on which they are kept;

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(1) 1981 c. 22. Amended by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I. 1992/3293), the Animal Health Act 2002, c. 42 and the Animal Health Act 1981 (Amendment) Regulations 2005 (S.I. 2005/3475). Section 65A was inserted by the Animal Health Act 2002, section 10.

(2) Functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) are now exercisable by the Secretary of State. They 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).

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*Status: Point in time view as at 23/03/2011.*

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“animal product” means anything originating or made (whether in whole or in part) from an animal or from a carcase;

“associated protection zone” means, in relation to a surveillance zone, the protection zone centred on the same premises as that surveillance zone;

“border inspection post” means, except in article 32, a place specified as a border inspection post in Schedule 2 to the Animals and Animal Products (Import and Export) (England) Regulations 2005<sup>(3)</sup>;

“bovine animal” includes buffalo and bison;

“Chief Veterinary Officer” means the Chief Veterinary Officer of the Department;

“collecting centre” means premises used for the intermediate reception of animals intended to be moved elsewhere;

“contact premises” means any premises declared to be contact premises under article 14(2);

“contaminated” means directly or indirectly exposed to disease and “contamination” shall be construed accordingly;

“the Department” means the Department for Environment, Food and Rural Affairs;

“the Directive” means Council Directive [2003/85/EC](#) on Community measures for the control of foot-and-mouth disease repealing Directive [85/511/EEC](#) and Decisions [89/531/EEC](#) and [91/665/EEC](#) and amending Directive [92/46/EEC](#)<sup>(4)</sup>;

“disease” means foot-and-mouth disease;

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“free unit” means a separate production unit declared to be a free unit under sub-paragraph 2A(6) of Schedule 3 to the Act or under article 13;

“fresh meat” means meat (including offal) that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum wrapped or wrapped in a controlled atmosphere;

“health marked” means bearing the health mark required by article 5(2) of Regulation (EC) No. [854/2004](#) of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>(5)</sup> and “health mark” shall be construed accordingly;

“identification marked” means bearing the identification mark required by article 5(1) of Regulation (EC) No. [853/2004](#) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>(6)</sup> and “identification mark” shall be construed accordingly;

“incubation period” means—

- (a) for cattle, pigs and other bovine animals and swine, 14 days; and
- (b) for other susceptible animals, 21 days;

“infected” means affected with disease and “infection” shall be construed accordingly;

“infected premises” means any premises declared to be infected premises under article 12(12);

“infection date” means, in respect of any premises, the date confirmed by the Chief Veterinary Officer under article 12(10) as the earliest date disease was present there;

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(3) S.I. [2005/2002](#).

(4) OJ No. L306, 22.11.2003, p1.

(5) OJ No. L139, 30.4.2004, p206. The revised text of the Regulation is contained in a corrigendum (OJ No. L226, 25.6.2004, p83).

(6) OJ No. L139, 30.4.2004, p55. The revised text of the Regulation is contained in a corrigendum (OJ No. L226, 25.6.2004, p22).

“keeper” means any person responsible for animals, whether on a permanent or temporary basis, but does not include a person who is responsible for animals solely because he is transporting them;

“meat preparation” means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat;

“meat product” means a processed product resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

“mechanically separated meat” means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure;

“milk” includes cream, separated milk, skimmed milk and buttermilk;

“milk product” includes butter, cheese, yoghurt, whey and any other product the main constituent of which is milk;

“minced meat” means boned meat that has been minced into fragments and contains less than 1% salt;

“occupier” means, in relation to any premises, the person in charge of those premises;

“overstamped” means, in relation to a health marked or identification marked item, bearing an additional diagonal cross consisting of two straight lines intersecting at the centre of the health mark or identification mark and allowing the information there to remain legible (whether or not that additional cross is applied by the same stamp as the mark);

“premises” includes any land, building or other place;

“protection zone” means a protection zone declared under article 31(1), 31(3), 32(1) or 32(2);

“public highway” means a highway maintainable at the public expense;

“raw milk” means milk that has not been heated to more than 40°C or undergone any treatment that has an equivalent effect;

[<sup>F2</sup>“Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);

“Regulation (EU) No. 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;]

“restricted zone” means a restricted zone declared under article 38(1) or 38(2);

“sell” means sell to the final consumer or user and “sale” in the expression “consign for sale” shall be construed accordingly;

“slaughterhouse” means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which—

(a) is approved or conditionally approved under article 31(2) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls

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performed to ensure the verification of feed and food law, animal health and animal welfare rules(7), or

- (b) although lacking the approval or conditional approval that it requires under article 4(3) of Regulation (EC) No. 853/2004) was, on 31st December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995(8) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(9);

“supplementary movement control zone” means a supplementary movement control zone declared under article 19(1);

“surveillance zone” means a surveillance zone declared under article 31(1), 31(3), 32(1) or 32(2);

“susceptible animal” means a cow, bull, sheep, goat, deer, camel, llama, alpaca, guanaco, vicuna, any other ruminant, any swine (that is, a member of the suborder *Suina* of the order *Artiodactyla*), elephant or rodent (other than a pet rodent);

“suspected of being infected” means exhibiting clinical symptoms or showing post-mortem lesions or reactions to laboratory tests such that the presence of disease may reasonably be suspected;

“suspect premises” means any premises declared to be suspect premises under article 12(7) or 14(1);

“temporary control zone” means a temporary control zone declared under article 16(1);

“used litter” means any substance which has been used for the bedding of animals;

“vaccination surveillance zone” means a vaccination surveillance zone declared under regulation 12(1), 13(2) or 13(3) of the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006(10);

“vaccination zone” means a vaccination zone declared under regulation 12(1) of the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006;

“vehicle” includes—

- (a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle,
- (b) a detachable part of a vehicle,
- (c) a container or other structure designed or adapted to be carried by or on a vehicle;

“wild animal infected zone” means a wild animal infected zone declared under article 40(1).

(2) References in this Order to “emergency slaughter” mean slaughter of animals which are not suspected of infection or contamination and are not on infected premises, where an inspector considers that the circumstances require urgent slaughter (including slaughter for welfare reasons).

(3) References in this Order to “susceptible animals originating in”, in respect of a protection zone or surveillance zone or “susceptible animals originating on”, in respect of infected premises mean—

- (a) susceptible animals kept in the protection zone or surveillance zone (after the declaration of the zone) or on the infected premises, as the case may be; and
- (b) susceptible animals which were kept within the boundaries of the protection zone or surveillance zone or on the infected premises at any time during the period—
- (i) beginning 21 days before the following date—

(7) OJ No. L165, 30.4.2004, p1. The revised text of the Regulation is contained in a corrigendum (OJ No. L191, 28.5.2004, p1).

(8) S.I. 1995/539, revoked in England by S.I. 2005/2059, in Scotland by S.S.I. 2005/505 and in Wales by S.I. 2005/3292.

(9) S.I. 1995/540, revoked in England by S.I. 2005/2059, in Scotland by S.S.I. 2005/505 and in Wales by S.I. 2005/3292.

(10) S.I. 2006/183.

- (aa) in the case of a protection zone, the earliest infection date on premises there,
  - (bb) in the case of a surveillance zone, the earliest infection date on premises in the associated protection zone,
  - (cc) in the case of infected premises, the infection date; and
- (ii) ending with the declaration of the protection zone, surveillance zone or infected premises, as the case may be.
- (4) References in this Order to “susceptible animals originating in”, in respect of a vaccination zone or temporary control zone or “susceptible animals originating on”, in respect of suspect premises or contact premises mean—
- (a) susceptible animals kept in the vaccination zone or temporary control zone (after the declaration of the zone) or on the suspect premises or contact premises, as the case may be; and
  - (b) susceptible animals which were kept within the boundaries of the vaccination zone or temporary control zone or on the suspect premises or contact premises at any time during the period—
    - (i) beginning 21 days before the declaration of the vaccination zone or temporary control zone or suspect premises or contact premises, as the case may be, and
    - (ii) ending with that declaration.

#### Textual Amendments

- F1** Words in art. 2(1) revoked (1.11.2009) by [Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, 2(2), **Sch. 2**
- F2** Words in art. 2(1) inserted (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), reg. 1, **Sch. 2 para. 8(2)**

#### Extension of definitions of “animals” and “poultry”

3. For the purposes of the Act in its application to disease and to this Order—
- (a) the definition of “animals” in section 87(1) of the Act is extended to comprise all four-footed beasts;
  - (b) the definition of “poultry” in section 87(4) of the Act is extended to comprise all birds.

#### Premises comprising common or unenclosed land

4. For the purposes of this Order—
- (a) common or unenclosed land forms separate premises from other land unless—
    - (i) the parcels of land adjoin, and
    - (ii) all animals kept on each parcel of land are in the charge of the same keeper;
  - (b) a notice which is to be served on the occupier of premises wholly or partially comprising any common or unenclosed land is validly served if served on every keeper of animals kept there (so far as those persons are reasonably ascertainable);
  - (c) a requirement or restriction imposed on the occupier of premises wholly or partially comprising any common or unenclosed land applies to every keeper of animals kept there.

## Licences and declarations

5.—(1) Licences granted under this Order—

- (a) shall be in writing;
- (b) may, in addition to any conditions required by this Order, be made subject to such conditions as the Secretary of State considers necessary to prevent the spread of disease; and
- (c) may be amended, suspended or revoked in writing at any time.

(2) Except where otherwise directed by the Secretary of State, a licence granted in Scotland or Wales for the same purpose as a licence which may be granted under this Order is valid for that purpose in England and its conditions apply in England as if it was a licence granted under this Order.

(3) Declarations made under this Order shall be in writing.

(4) Any amendment to or revocation of a declaration shall be made by further declaration.

## Notices

6.—(1) Notices issued under this Order may be amended or revoked in writing at any time.

(2) A notice which—

- (a) is served on the occupier of premises; and
- (b) imposes a requirement or restriction in respect of those premises,

shall contain a description of the premises sufficient to enable the extent of the premises to be ascertained.

(3) Such a description may be amended by a veterinary inspector if he is satisfied that it does not describe an appropriate area for the purposes of investigating and monitoring the spread of disease in respect of animals which are usually kept together.

## Dissemination of information concerning restrictions and requirements

7.—(1) The Secretary of State shall take such steps as she considers fit to ensure that licences, declarations and notices are brought to the attention of those who may be affected by them as soon as is reasonably practicable.

(2) She shall also ensure that—

- (a) the extent of any zone declared under this Order;
- (b) the nature of the restrictions and requirements applicable within the zone;
- (c) the date of its declaration; and
- (d) the date that declaration ceases to have effect in respect of the zone or any part of it,

are publicised.

## Disinfection

8. Disinfection under this Order shall be carried out with a disinfectant which is—

- (a) approved for use for the purpose of this Order and the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations by the Diseases of Animals (Approved Disinfectants) Order 1978<sup>(11)</sup>;
- (b) used at the concentration specified in that Order; and

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(11) S.I. 1978/32, amended by this Order; there are other amending instruments but none is relevant.

- (c) used in accordance with the manufacturer's instructions or recommendations (if any) and in particular, if use is recommended before any date, used before that date.

## PART 2

### Notification, suspicion and investigation of disease

#### Notification of disease or suspected disease

9.—(1) Subject to paragraph (6), a person who has in his possession or charge an animal or carcase which is infected or suspected of being infected shall immediately notify the [F3Secretary of State] .

(2) Subject to paragraph (6), a person who in the course of his occupation discovers that an animal or carcase not in his possession or charge is infected or suspected of being infected shall immediately notify the [F3Secretary of State] .

(3) If the occupier of any premises notifies the [F3Secretary of State] under this article of an animal or carcase at those premises Schedule 1 shall then apply in respect of those premises.

(4) Any constable who receives notification of disease under section 15(1) of the Act shall immediately inform the [F3Secretary of State] .

[F4(5) Where notification is received under this article from a person other than the occupier of the premises where the relevant animal or carcase is located, a veterinary inspector may serve a notice on the occupier informing the occupier that—

- (a) notification has been received under this article; and
- (b) Schedule 1 applies in relation to the premises.]

(6) Paragraphs (1) and (2) do not apply to a person in possession of or carrying the disease pathogen in accordance with the terms of a licence granted under the Specified Animal Pathogens Order 1998(12).

#### Textual Amendments

**F3** Words in art. 9(1)-(4) substituted (1.11.2009) by [Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, 2(1), **Sch. 1**

**F4** Art. 9(5) substituted (1.11.2009) by [Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, **7(2)**

#### Notice of suspicion of disease

10.—(1) If an inspector knows or suspects that disease exists or has in the previous 56 days been present on any premises, he shall immediately serve a notice on the occupier stating that fact and Schedule 1 shall then apply in respect of those premises.

(2) If an inspector knows or suspects that an animal suspected of being contaminated is on any premises, he shall immediately serve a notice on the occupier stating that fact and Schedule 1 shall then apply in respect of those premises.

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### **Suspicion of disease in animals in transit**

**11.**—(1) If an inspector knows or suspects that an animal in transit is infected or contaminated he shall immediately serve a notice on the keeper of the animal (if present) and on the person in charge of the vehicle—

- (a) stating that fact;
- (b) directing the transport of the animal and any animal with it to such premises as he considers fit; and
- (c) detaining any vehicle, equipment or other thing suspected of contamination at a suitable place until it has been cleansed and disinfected.

(2) The inspector shall ensure that the occupier of premises to which animals are directed is served with a notice on their arrival stating that those premises are under restriction and Schedule 1 shall then apply in respect of those premises.

(3) The person in charge of any vehicle detained under paragraph (1)(c) shall cleanse and disinfect it without delay in accordance with Schedule 2 to the Transport of Animals (Cleansing and Disinfection) (England) (No. 3) Order 2003(13) and with any additional requirements an inspector imposes by serving a notice on him.

(4) The person in charge of any equipment or other thing detained under paragraph (1)(c) shall cleanse and disinfect it in accordance with the directions of an inspector.

### **Veterinary inquiry into the existence of disease and declaration of suspect premises and infected premises**

**12.**—(1) The Chief Veterinary Officer shall ensure that the presence or suspicion of infection or contamination is investigated in accordance with this article by a veterinary inspector as soon as is reasonably practicable.

(2) The Chief Veterinary Officer shall ensure that the presence or absence of disease on every premises in a temporary control zone where susceptible animals are kept or have in the 56 days before the declaration of that zone been kept is investigated in accordance with this article by a veterinary inspector as soon as is reasonably practicable.

(3) The veterinary inspector investigating shall take all steps he considers necessary to determine whether disease exists or has in the 56 days before the commencement of the investigation existed on the premises, and the related circumstances.

(4) Subject to paragraph (5), in taking such steps he shall ensure that any samples necessary for that determination are taken.

(5) Sampling shall not be considered necessary on premises which the Chief Veterinary Officer considers to be epidemiologically linked with a primary source of disease for which samples have already been taken.

(6) The veterinary inspector investigating may mark any animal, carcase or other thing liable to spread disease found on the premises.

(7) If the veterinary inspector investigating considers it necessary to submit a serological sample for testing to determine whether disease exists or has in the 56 days before the investigation existed on the premises, he shall declare the premises to be suspect premises.

(8) The veterinary inspector investigating shall communicate to the Chief Veterinary Officer his opinion as to whether disease exists or has in the 56 days before the investigation existed on any premises under inquiry.

(9) If his opinion is that disease exists or has in the 56 days before the investigation existed on any premises the officer investigating shall also communicate to the Chief Veterinary Officer his opinions on at least the following—

- (a) the earliest date disease was present there;
- (b) the origin of disease;
- (c) any premises which may have been contaminated from the same origin;
- (d) the extent to which animals other than bovine animals or swine may have been infected or contaminated;
- (e) any premises to or from which disease may have been carried;
- (f) any other premises which he suspects to be contaminated;
- (g) whether any premises under inquiry comprise two or more separate production units because they comply with the criteria in paragraph 2A(7) of Schedule 3 to the Act,

and in sub-paragraphs (c), (e) and (f), “premises” includes premises outside England.

(10) The Chief Veterinary Officer shall consider and may confirm every opinion communicated to her under this article.

(11) If the Chief Veterinary Officer concludes after consideration of any opinion communicated to her under this article that one or more of the criteria in Schedule 2 are satisfied in respect of any premises she shall confirm disease there.

(12) If the Chief Veterinary Officer confirms disease at any premises the Secretary of State shall declare those premises to be infected premises.

(13) A declaration under paragraph (7) or (12) shall be by notice served on the occupier.

(14) Any infected premises is an infected place for the purposes of the Act.

### **Separate production units**

**13.**—(1) The Secretary of State may by notice served on the occupier of any premises investigated under article 12 (other than infected premises) declare that they are to be regarded as two or more separate production units if the Chief Veterinary Officer advises at the time of the veterinary inquiry that in her opinion—

- (a) the premises comply with the criteria in paragraphs (a)-(c) of paragraph 2A(7) of Schedule 3 to the Act; and
- (b) each of those paragraphs has applied continuously for at least—
  - (i) 28 days immediately prior to the date of the inquiry, if only bovine animals or swine have been on the premises within that period, or
  - (ii) 42 days immediately prior to that date in any other case.

(2) A declaration under paragraph (1) shall identify, and designate the boundaries of, each separate unit and shall declare every separate unit which is free of disease to be a free unit.

(3) A unit shall cease to be a free unit on—

- (a) amendment of the notice declaring it such that it is no longer declared to be a free unit; or
- (b) revocation of that notice.

### **Tracing of possible disease spread**

**14.**—(1) The Secretary of State shall declare premises (other than infected premises) to be suspect premises if the Chief Veterinary Officer advises that she suspects them of contamination

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from premises already declared to be suspect premises or from a suspected case of disease outside England.

(2) The Secretary of State shall declare premises (other than infected premises or suspect premises) to be contact premises if the Chief Veterinary Officer advises either—

- (a) that disease may have been carried there from any premises, or
- (b) that disease may have been carried to any premises from there,

and in sub-paragraphs (a) and (b) “premises” includes premises outside England.

(3) Declarations under this article shall be by notice served on the occupier.

(4) The Secretary of State shall ensure that any premises declared to be suspect premises or contact premises under this article are subjected to investigation in accordance with article 12 as soon as is reasonably practicable.

(5) Where, following a declaration under article 13(1), premises are to be regarded as consisting of separate production units the Secretary of State shall amend any declaration under paragraph (2) to specify to or from which units disease may have been carried and only those units specified shall form the contact premises.

(6) Schedule 1 applies in respect of suspect premises or contact premises declared under this article.

#### **Maintenance of measures in respect of premises**

**15.**—(1) If premises are declared to be infected premises, they shall no longer be suspect premises or contact premises.

(2) Schedule 1 shall continue to apply to premises if they are declared to be infected premises.

(3) The Secretary of State shall not revoke any notice declaring premises to be suspect premises until she is advised by the Chief Veterinary Officer that she no longer suspects infection or contamination there.

(4) The Secretary of State shall not revoke any notice declaring premises to be contact premises until she is advised by the Chief Veterinary Officer that she no longer suspects that disease may have been carried there or from there.

(5) The Secretary of State shall not revoke any notice declaring premises to be infected premises until completion of the final cleansing and disinfection measures in paragraphs 15 to 17 of Schedule 3.

#### **Declaration of a temporary control zone**

**16.**—(1) On the declaration of any suspect premises the Secretary of State shall also declare an area around those premises of such size as she considers fit to prevent the spread of disease to be a temporary control zone.

(2) If the Secretary of State is satisfied that an animal or carcase in Scotland or Wales is suspected of being infected or contaminated, she may declare a temporary control zone of such size as she considers fit to prevent the spread of disease.

(3) An area shall remain a temporary control zone (or part of one) until—

- (a) it becomes part of a protection zone or a surveillance zone; or
- (b) the Secretary of State is advised by the Chief Veterinary Officer that she no longer suspects infection there.

(4) If the Secretary of State is advised as mentioned in paragraph (3)(b)—

- (a) she shall revoke the declaration creating the temporary control zone in question if the area comprises the whole of that zone; or
  - (b) if the area does not comprise the whole of that zone, she shall amend the declaration so as to exclude that area.
- (5) Any amendment or revocation of a declaration creating a temporary control zone shall refer to that declaration and state the date and time it is to take effect.
- (6) Any premises which are partly inside and partly outside a temporary control zone shall be deemed to be wholly inside it.

### **Measures applicable in respect of a temporary control zone**

**17.**—(1) No person shall move any susceptible animal into or out of a temporary control zone, except where the movement is—

- (a) through the zone without stopping; or
- (b) necessary to complete a journey started before the creation of the zone.

(2) Subject to paragraph (3), no person shall move any susceptible animal from or to premises in a temporary control zone (without leaving that zone) except to complete a journey started before the creation of that zone or under the authority of a licence granted by an inspector.

(3) The Secretary of State may, after considering the factors in paragraph (4), declare that instead of the restriction in paragraph (2) all the following measures apply in a temporary control zone—

- (a) the occupier of any premises in the zone where susceptible animals are kept shall create and maintain a record in accordance with paragraph 1 of Schedule 1;
- (b) the occupier of any premises in the zone where susceptible animals are kept shall isolate animals in accordance with paragraph 3(1) of that Schedule;
- (c) paragraphs 4 to 7 and 10 and 11 of that Schedule apply to premises in the zone where susceptible animals are kept.

(4) When considering a declaration under paragraph (3), the Secretary of State shall take into account the following factors in respect of the temporary control zone—

- (a) the density of the population of susceptible animals;
- (b) the intensity of movements of animals or persons having contact with susceptible animals;
- (c) any suspected delay in detecting suspicion of infection or contamination;
- (d) the information available to her as to the possible origin and method of introduction of the disease virus; and
- (e) any other factor she considers relevant in deciding whether such a declaration will help prevent the spread of disease and is reasonable in the circumstances.

(5) The measures in paragraphs (2) and (3) apply—

- (a) subject to article 20(2)(b); and
- (b) in addition to any requirement or restriction which applies in any part of a temporary control zone because that part falls within—
  - (i) a vaccination zone or vaccination surveillance zone, or
  - (ii) a wild animal infected zone.

**Supplementary measures in respect of a temporary control zone: straying of susceptible animals**

18.—(1) The keeper of a susceptible animal in a temporary control zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a temporary control zone.

**Declaration of supplementary movement control zone**

19.—(1) When a temporary control zone has been declared, the Secretary of State may also declare a supplementary movement control zone which—

- (a) shall be of such size as she considers fit to prevent the spread of disease; and
- (b) shall include that temporary control zone.

(2) An area shall remain a supplementary movement control zone (or part of one) until—

- (a) it becomes part of a protection zone or a surveillance zone;
- (b) the temporary control zone included within it ceases to have effect;
- (c) the Secretary of State amends the declaration of the supplementary movement control zone so as to exclude that area; or
- (d) the Secretary of State revokes the declaration of the supplementary movement control zone.

(3) Any amendment or revocation of a declaration creating a supplementary movement control zone shall refer to that declaration and state the date and time it is to take effect.

(4) Any premises which are partly inside and partly outside a supplementary movement control zone shall be deemed to be wholly inside it.

(5) A supplementary movement control zone applies in respect of—

- (a) susceptible animals; and
- (b) any class of non-susceptible animal specified in the declaration in question during a period also specified in that declaration which period shall not exceed 72 hours from the time the declaration was made.

**Measures applicable in respect of a supplementary movement control zone**

20.—(1) No person shall move any animal in respect of which a supplementary movement control zone applies from or to any premises in such a zone or into or out of such a zone except where the movement is—

- (a) through the zone without stopping;
- (b) necessary to complete a journey started before the creation of the zone; or
- (c) the movement of a horse for veterinary treatment under the authority of a licence granted by an inspector.

(2) Paragraph (1) applies—

- (a) without prejudice to article 17(1);
- (b) in a temporary control zone in place of article 17(2) or, where a declaration under article 17(3) has been made, paragraph 4 of Schedule 1; and
- (c) in addition to any requirement or restriction which applies in any part of a supplementary movement control zone because that part falls within—
  - (i) a vaccination zone or vaccination surveillance zone, or

(ii) a wild animal infected zone.

(3) Any inspector granting a licence under paragraph (1)(c) shall take account of the recommended measures in paragraph 2.1 of Annex VI to the Directive.

## PART 3

### Measures following confirmation of disease

#### Tracing of products originating on infected premises

**21.**—(1) The Secretary of State shall trace all milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, ova and embryos derived or collected from susceptible animals originating on infected premises.

(2) After tracing any semen, ovum or embryo, the Secretary of State shall, by notice served on the owner, or if that person is not readily ascertainable, the person in charge of it, direct that person to arrange for its disposal.

(3) After tracing any other item referred to in paragraph (1), the Secretary of State shall, by notice served on its owner, or if the owner is not readily ascertainable the person in charge of it, direct the owner or that person to either—

- (a) arrange for such treatment as the Secretary of State considers necessary to ensure the destruction of the disease virus; or
- (b) arrange for its disposal.

#### Notice of intention to slaughter animals

**22.**—(1) Subject to paragraph (2), before causing the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act, the Secretary of State shall serve notice of her intention to cause such slaughter—

- (a) on the occupier of the premises where the animals are kept; or
- (b) where the animals are in transit, on the person in charge of them.

(2) Paragraph (1) does not apply where the Secretary of State intends to cause the slaughter of a stray or feral animal detained by an inspector under article 18(2) or under paragraph 2(2) of Schedule 5 or paragraph 5(2) of Schedule 7.

#### Sampling and clinical examination of susceptible animals before slaughter

**23.** Where the Secretary of State serves notice of her intention to cause the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act, she shall ensure that any sampling and clinical examination she considers necessary to carry out the veterinary inquiry under article 12 is undertaken before, or immediately following, such slaughter.

#### Place of slaughter

**24.**—(1) This article applies where the Secretary of State serves notice of her intention to cause the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act.

(2) Subject to paragraph (3), where the animals to be slaughtered are on premises slaughter shall take place there without delay.

(3) Paragraph (2) shall not apply where—

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- (a) in the opinion of the Secretary of State slaughter on those premises would be an unsatisfactory method of preventing the spread of disease; or
  - (b) the premises are a slaughterhouse or border inspection post.
- (4) In the cases referred to in paragraph (3), the Secretary of State may direct that slaughter be carried out at another place she considers satisfactory for the purpose of preventing the spread of disease.
- (5) Where the animals to be slaughtered are in transit, they shall be transported to another place at the direction of the Secretary of State as soon as is reasonably practicable.
- (6) In directing transport to another place under this article the Secretary of State shall grant a licence under paragraphs 4(6), 7(d) and 10(b) of Schedule 1 authorising movement of the animals, persons and vehicles necessary for that action.

#### **Slaughter: control of carcasses**

- 25.**—(1) This article applies to every carcase of a susceptible animal on premises where the Secretary of State has caused the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act.
- (2) No person shall move any carcase to which this article applies from the premises except for disposal and under the authority of a licence granted by the Secretary of State.
- (3) The Secretary of State shall ensure that every carcase to which this article applies is disposed of without undue delay, and in so ensuring—
- (a) she may serve a notice on the occupier requiring immediate disposal or disposal within a specified period; and
  - (b) she shall grant any necessary licence under paragraph (2).

#### **Slaughter: control of faecal material**

- 26.**—(1) This article applies to premises where the Secretary of State has caused the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act.
- (2) No person shall move any dung, manure, slurry or used litter of susceptible animals from premises to which this article applies except—
- (a) for disposal and under the authority of a licence granted by the Secretary of State; or
  - (b) where such material is from a slaughterhouse or border inspection post, for treatment in accordance with [<sup>F5</sup>Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011] and under the authority of a licence granted by the Secretary of State.

#### **Textual Amendments**

- F5** Words in art. 26(2)(b) substituted (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), reg. 1, [Sch. 2 para. 8\(3\)](#)

#### **Slaughter: isolation of things liable to spread disease**

- 27.**—(1) This article applies to the occupier of—
- (a) any premises, other than a slaughterhouse or border inspection post, where the Secretary of State has caused the slaughter of animals under paragraph 2A, 3(1)(a) or 3(1)(b) of Schedule 3 to the Act;

- (b) any premises, other than a slaughterhouse or border inspection post, where the Secretary of State has caused the slaughter of animals under paragraph 3(1)(c) of Schedule 3 to the Act, in a case where she directs that this article applies; and
  - (c) any slaughterhouse or border inspection post where the Secretary of State has caused the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act, in a case where she directs that this article applies.
- (2) Subject to paragraph (3) a person to whom this article applies shall isolate all milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, animal feed and used litter on the premises from any animal until—
- (a) the Secretary of State declares by notice served on that person that all such items are free of contamination; or
  - (b) all such items have been treated in accordance with her directions; or
  - (c) the Secretary of State grants a licence authorising any such item to be removed from the premises to be treated in accordance with [<sup>F6</sup>Regulation (EC) No. 1069/2009] .
- (3) Paragraph (2) does not apply to milk on free units where this is authorised by a licence granted by the Secretary of State
- (4) A licence granted under paragraph (3) shall contain terms requiring that—
- (a) where it is for human consumption, the milk is subjected to one of the treatments in paragraph 13 of Schedule 6; or
  - (b) where it is not for human consumption, the milk is subjected to one of the treatments in paragraph 14 of Schedule 6.

#### Textual Amendments

- F6** Words in art. 27(2)(c) substituted (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), reg. 1, [Sch. 2 para. 8\(4\)](#)

#### **Slaughter: cleansing and disinfection of premises other than slaughterhouses and border inspection posts**

**28.**—(1) This article applies to any premises, other than a slaughterhouse or border inspection post, where the Secretary of State has caused the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act and to any vehicle used to carry susceptible animals on those premises, after—

- (a) the disposal of all carcasses from those premises in accordance with article 25; and
- (b) if article 27(2) applies, isolation of the items referred to that article.

(2) The Secretary of State shall ensure that every building, other part of the premises, vehicle used to carry susceptible animals and any other thing or place on the premises normally used by animals which may be contaminated is cleansed and disinfected in accordance with Schedule 3.

(3) The Secretary of State shall ensure that any part of the premises normally used by humans to the exclusion of animals (including a dwelling) she suspects to be contaminated is cleansed and disinfected in accordance with Schedule 3.

#### **Slaughter: cleansing and disinfection of slaughterhouses and border inspection posts**

**29.**—(1) This article applies to a slaughterhouse or border inspection post where the Secretary of State has caused the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act, and to any vehicle used to carry susceptible animals on those premises, after—

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- (a) the disposal of all carcasses in accordance with article 25; and
  - (b) if the Secretary of State grants a licence under article 26(2), removal for disposal or treatment of the items referred to in that paragraph.
- (2) The Secretary of State shall ensure that every building and place, equipment, vehicle and other thing which may be contaminated on premises to which this article applies are cleansed and disinfected in accordance with Schedule 3.
- (3) No person shall move any animal on to the premises until at least 24 hours after completion of the final cleansing and disinfection measures in paragraphs 15 to 17 of Schedule 3.

### **Restocking of premises following slaughter**

- 30.**—(1) This article applies to any premises where the Secretary of State has caused the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act.
- (2) No person shall restock premises to which this article applies except under the authority of a licence granted by the Secretary of State and in accordance with Schedule 4.
- (3) No licence shall be granted allowing restocking to commence—
- (a) on premises to which paragraph 22 of Schedule 3 applies until one year has elapsed following completion of such cleansing and disinfection as is undertaken, or
  - (b) on premises to which that paragraph does not apply, until 21 days after completion of the final cleansing and disinfection measures in paragraphs 15 to 17 of Schedule 3 on the premises.

### **Declaration of protection zones and surveillance zones on confirmation of disease in England**

- 31.**—(1) The Secretary of State shall declare an area to be a protection zone and an area to be a surveillance zone in the circumstances mentioned in paragraph (2).
- (2) The circumstances referred to in paragraph (1) are when the Chief Veterinary Officer confirms disease on premises in England, other than—
- (a) at a slaughterhouse or border inspection post; or
  - (b) on premises to which infected or contaminated animals have been transported following a direction under article 11(1)(b).
- (3) The Secretary of State may declare an area to be a protection zone in the circumstances mentioned in paragraph (4) and if she decides to do so, she shall also declare an area to be a surveillance zone.
- (4) The circumstances referred to in paragraph (4) are when the Chief Veterinary Officer confirms disease—
- (a) at a slaughterhouse or border inspection post in England; or
  - (b) on premises in England to which infected or contaminated animals have been transported following a direction under article 11(1)(b).
- (5) Subject to paragraph (6), a protection zone or surveillance zone declared under this article shall be of such size as the Secretary of State considers fit to prevent the spread of disease.
- (6) A declaration under this article shall designate—
- (a) the extent of the protection zone which shall be centred on the infected premises and of at least three kilometres radius; and
  - (b) the extent of the surveillance zone which shall be centred on the same premises and of at least ten kilometres radius.

## Declaration of protection zones and surveillance zones on confirmation of disease in Scotland or Wales

32.—(1) If the Secretary of State is satisfied that disease is present on premises (other than a slaughterhouse or border inspection post) in Scotland or Wales—

- (a) she shall declare an area to be a protection zone if those premises are situated within three kilometres of the border with England; and
- (b) she shall declare an area to be a surveillance zone if those premises are situated within ten kilometres of that border.

(2) If the Secretary of State is satisfied that disease is present at—

- (a) any premises in Scotland or Wales situated more than ten kilometres from the border with England; or
- (b) a slaughterhouse or border inspection post in Scotland or Wales situated within ten kilometres of the border with England,

she may declare an area to be a protection zone, or an area to be a surveillance zone, or both, in England.

(3) Subject to paragraph (4), a protection zone or surveillance zone declared under this article shall be of such size as the Secretary of State considers fit so as to prevent the spread of disease.

(4) A declaration under this article shall designate the extent of any protection zone or surveillance zone declared and the Secretary of State shall ensure that—

- (a) any such zone abuts the border with Scotland or Wales, as the case may be;
- (b) any protection zone extends from that border such that its boundary is at least three kilometres from the premises where disease is present; and
- (c) any surveillance zone extends from that border such that its boundary is at least ten kilometres from those premises.

(5) In this article border inspection post means—

- (a) in relation to Scotland, a place specified as a border inspection post in Schedule 2 to the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000<sup>(14)</sup>; and
- (b) in relation to Wales, a place specified as a border inspection post in Schedule 2 to the Animals and Animal Products (Import and Export) (Wales) Regulations 2005<sup>(15)</sup>;

## Protection zones and surveillance zones: general provisions

33.—(1) Any premises which are partly inside and partly outside a protection zone shall be deemed to be wholly inside that zone.

(2) Any premises (except premises which are partly inside a protection zone) which are partly inside and partly outside a surveillance zone shall be deemed to be wholly inside that zone.

(3) Any protection zone or surveillance zone is an infected area for the purposes of the Act.

## Measures applicable in respect of protection zones and surveillance zones

34.—(1) The measures in Parts 1 and 2 of Schedule 5 apply in respect of a protection zone and those in Parts 1 and 3 of Schedule 5 apply in respect of a surveillance zone.

(2) Subject to paragraphs (3) and (4), the Secretary of State may declare that any other measure she considers fit so as to prevent the spread of disease applies in respect of the whole or any part of

<sup>(14)</sup> S.S.I. 2000/216, to which there are amendments not relevant to this Order.

<sup>(15)</sup> S.I. 2005/1158 (W.75).

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any protection zone or surveillance zone and any such measure shall then apply in respect of that protection zone or surveillance zone or that part of it.

(3) The Secretary of State shall not make a declaration under paragraph (2), unless she is satisfied that the measures to be applied by that declaration are—

- (a) necessary to prevent the spread of disease, and
- (b) a proportionate method of preventing such spread, taking into account the epidemiological, animal husbandry, commercial and social conditions in the protection zone or surveillance zone.

(4) The Secretary of State shall take into account the recommended measures in paragraph 2.2 of Annex VI to the Directive before restricting the movement of horses in a surveillance zone by a declaration under paragraph (2).

(5) An area shall remain a protection zone or surveillance zone until the declaration creating it is amended or revoked in accordance with article 37.

#### **Veterinary inspection of premises in protection zones and surveillance zones**

**35.**—(1) The Secretary of State shall ensure that all premises within a protection zone or a surveillance zone where susceptible animals are kept are inspected by a veterinary inspector as regularly as she considers fit to prevent the spread of disease.

(2) A veterinary inspector inspecting premises under paragraph (1) shall ensure that the inspection includes—

- (a) clinical inspection of all susceptible animals; and
- (b) inspection of the records required to be created and maintained by paragraph 1 of Schedule 5.

#### **Power to prohibit entry to land or agricultural buildings in a protection zone**

**36.**—(1) Subject to paragraph (2), and with the prior written consent of the Secretary of State, an inspector may, notwithstanding the existence of any public footpath or other right of way, prohibit the entry of any person—

- (a) on to any land (excluding buildings but including any common, unenclosed or waste land); or
- (b) into any agricultural building,

in a protection zone by causing a notice to that effect to be displayed at every entrance to that land or building.

(2) No person other than—

- (a) the owner of any animal on that land or in that building or a person authorised by him, who enters for the purpose of tending that animal; or
- (b) a person entering under the authority of a licence granted by an inspector,

shall enter any land or building in respect of which a notice is displayed under paragraph (1)

(3) No person shall remove or alter a notice displayed under this article except at the direction of an inspector.

(4) Any prohibition on entry to land or buildings imposed under this article is revoked if the declaration creating the protection zone is amended in accordance with article 37 so that the protection zone becomes part of a surveillance zone.

(5) Any prohibition on entry to land or buildings imposed under this article may be revoked in whole or in part by—

- (a) the removal of all relevant notices in accordance with the directions of an inspector; or
- (b) a declaration of the Secretary of State.

### **Amendment and revocation of declarations creating protection zones and surveillance zones**

**37.**—(1) The Secretary of State may, where she is satisfied that the conditions in paragraph (2) are met, amend the declaration creating a protection zone so that the area within its boundaries becomes part of the surveillance zone centred on the same premises.

(2) The conditions for amendment of a declaration creating a protection zone are—

- (a) at least 15 days have elapsed since the completion of any preliminary cleansing and disinfection in that protection zone; and
- (b) a survey of all susceptible animals to substantiate the absence of infection has been carried out on behalf of the Secretary of State in that protection zone with negative results.

(3) The Secretary of State may, where she is satisfied that the conditions in paragraph (4) are met, revoke the declaration creating a surveillance zone.

(4) The conditions for revocation of a declaration creating a surveillance zone are—

- (a) at least 30 days have elapsed since completion of any preliminary cleansing and disinfection in the area within the boundaries of that surveillance zone; and
- (b) if the declaration creating that surveillance zone also created a protection zone centred on the same premises, it has previously been amended so that the protection zone has become part of the surveillance zone;
- (c) if the declaration creating that surveillance zone did not create a protection zone centred on the same premises, any zone in Scotland or Wales having equivalent effect to a protection zone and centred on the same premises as that surveillance zone is no longer in effect; and
- (d) a survey of susceptible animals to substantiate the absence of infection has been carried out in that surveillance zone since that amendment on behalf of the Secretary of State with negative results.

(5) An amendment or revocation under this article shall refer to the declaration creating the protection zone and surveillance zone and specify the date and time the amendment or revocation is to take effect.

(6) In this article “preliminary cleansing and disinfection” means cleansing and disinfection undertaken in accordance with paragraphs 12 and 13 of Schedule 3, as required by article 28 or 29, and ending 24 hours after the application of disinfectant.

### **Declaration of a restricted zone**

**38.**—(1) The Secretary of State shall declare a restricted zone if the Chief Veterinary Officer advises her that in her opinion disease has become extensive in Great Britain and the declaration of such a zone would prevent its spread.

(2) The Secretary of State may, on confirmation by the Chief Veterinary Officer of disease on premises in Great Britain, declare an area to be a restricted zone.

(3) A restricted zone shall be of such size as the Secretary of State considers fit to prevent the spread of disease, having considered a thorough epidemiological assessment of the situation.

(4) The epidemiological assessment shall include consideration of the possible time and probable location of the introduction of disease to Great Britain, its possible spread and the probable period of time necessary to eradicate it.

(5) An area shall remain a restricted zone (or part of one) until—

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- (a) such date as may be stated in the declaration;
- (b) the Secretary of State amends the declaration to exclude that area; or
- (c) the Secretary of State revokes the declaration.

(6) Any amendment or revocation of a declaration creating a restricted zone shall refer to that declaration and state the date and time it is to take effect.

(7) Subject to paragraph (8), any premises which are partly inside and partly outside a restricted zone shall be deemed to be wholly inside that restricted zone.

(8) Paragraph (7) does not apply to premises which are also partly inside—

- (a) a temporary control zone;
- (b) a supplementary movement control zone;
- (c) a protection zone;
- (d) a surveillance zone;
- (e) a vaccination zone;
- (f) a vaccination surveillance zone; or
- (g) a wild animal infected zone.

#### **Measures applicable in respect of a restricted zone**

**39.**—(1) The measures in Schedule 7 apply in respect of a restricted zone in addition to any requirement or restriction applying in any part of it because that part falls within a zone listed in article 38(8).

(2) The Secretary of State may declare that any other measure she considers fit so as to prevent the spread of disease applies in respect of the whole or any part of any restricted zone and any such measure shall then apply in respect of that restricted zone or that part of it.

#### **Presence of disease in wild animals and declaration of a wild animal infected zone**

**40.**—(1) The Secretary of State shall, on confirmation of disease in a wild animal in England, declare an area to be a wild animal infected zone.

(2) The Secretary of State may, if she is satisfied that disease is present in a wild animal in Scotland or Wales, declare a wild animal infected zone.

(3) A wild animal infected zone shall be of such size as the Secretary of State considers fit to prevent the spread of disease.

(4) An area shall remain a wild animal infected zone (or part of one) until—

- (a) such date as may be stated in the declaration;
- (b) the Secretary of State amends the declaration to exclude that area; or
- (c) the Secretary of State revokes the declaration.

(5) Any amendment or revocation of a declaration creating a wild animal infected zone shall refer to that declaration and state the date and time it is to take effect.

(6) Any premises which are partly inside and partly outside a wild animal infected zone shall be deemed to be wholly inside that zone.

(7) Any wild animal infected zone is an infected area for the purposes of the Act.

### Measures applicable in a wild animal infected zone

41.—(1) The measures in Schedule 8 apply in respect of a wild animal infected zone in addition to any requirement or restriction applying in any part of it because that part falls within—

- (a) a protection zone;
- (b) a surveillance zone;
- (c) a vaccination zone; or
- (d) a vaccination surveillance zone.

(2) The Secretary of State may declare that any other measure she considers fit so as to prevent the spread of disease applies in respect of the whole or any part of any wild animal infected zone and any such measure shall then apply in respect of that wild animal infected zone or part of it.

## PART 4

### General and supplementary provisions

#### Production of licences

42.—(1) Every person issued with a licence under this Order shall, while executing the activity permitted by that licence, carry the licence and produce it to an inspector on demand.

(2) Paragraphs (3) and (4) apply where any of the following licences are granted for movement of susceptible animals between premises, unless that licence provides otherwise—

- (a) a licence for movement to or from premises in a temporary control zone under article 17(2) or paragraph 4 of Schedule 1;
- (b) a licence for movement to a slaughterhouse under paragraph 10 of Schedule 5;
- (c) a licence for movement to a slaughterhouse under paragraph 26 of Schedule 5;
- (d) a licence for movement to or from premises in a restricted zone under paragraph 1 of Schedule 7.

(3) Where this paragraph applies, no person shall unload susceptible animals on premises to which they are moved unless that person first gives the movement licence to the occupier of those premises or his authorised representative.

(4) Where this paragraph applies, the occupier of any premises to which susceptible animals are moved shall—

- (a) forward the movement licence without delay to the local authority and, in the case of the occupier of a slaughterhouse, provide a copy to any official veterinary surgeon appointed for those premises;
- (b) retain a copy of the licence for a period of six months and produce it on demand for inspection by an inspector;
- (c) in the case of the occupier of a collecting centre, ensure that sheep are marked or tagged in accordance with the directions of an inspector so as to enable the identity of the collecting centre and the premises from which they were moved to be established throughout their onward movement to a slaughterhouse.

#### Further provision relating to certain premises

43.—(1) This article applies to the following premises—

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- (a) a laboratory, zoo, wildlife park or other premises where susceptible animals are kept principally for the purposes of display and education of the public, or an enclosed area principally used for shooting;
  - (b) premises not falling within (a) of a body, institute or centre which—
    - (i) keeps susceptible animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research, and
    - (ii) is approved in relation to those animals under regulation 9 of the Animals and Animal Products (Import and Export) (England) Regulations 2005(16);
  - (c) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources.
- (2) The Secretary of State shall take such steps as she considers necessary to prevent the spread of disease to premises to which this article applies.
- (3) In taking such steps, the Secretary of State of State may—
- (a) require the detention and isolation of any vehicle, equipment or other thing on premises to which this article applies and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier, or on the person in charge of the vehicle, equipment or other thing;
  - (b) require the cleansing and disinfection of any premises to which this article applies in accordance with Schedule 3 by serving a notice requiring such action on the occupier;
  - (c) require the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him requiring such action;
  - (d) require any person to cleanse himself by serving a notice on him requiring such action;
  - (e) require the detention or isolation in a specified place of any animal or poultry on premises to which this article applies by serving a notice requiring such action on the occupier, or on its keeper;
  - (f) require the separation of any animal or poultry from other animals or poultry on premises to which this article applies by serving a notice requiring such action on the occupier of the premises, or on its keeper;
  - (g) prohibit the movement of any animal from or to premises to which this article applies, or make such movement subject to the grant of a licence by serving a notice on the occupier prohibiting such action or prohibiting such action except under licence;
  - (h) prohibit the movement of any person or persons on to premises to which this article applies and which are open to the public, or make such movement subject to the grant of a licence by serving a notice on the occupier prohibiting such action or prohibiting such action except under licence.

#### **Duty of the local authority to erect signs**

44. The local authority shall, as soon as is reasonably practicable after declaration of the zone, ensure that the boundaries of the following zones are indicated by signs erected in a conspicuous position on all roads entering the zones on which it considers susceptible animals are likely to be moved—

- (a) every temporary control zone;
- (b) every supplementary movement control zone;

- (c) every protection zone;
- (d) every surveillance zone;
- (e) every restricted zone;
- (f) every wild animal infected zone.

#### **Cleansing and disinfection of vehicles transporting susceptible animals**

**45.**—(1) Subject to paragraph (3), where the cleansing and disinfection of any vehicle in accordance with this article is required, it shall be carried out in accordance with Schedule 2 to the Transport of Animals (Cleansing and Disinfection) (England) (No. 3) Order 2003<sup>(17)</sup> and with any additional directions an inspector imposes by serving a notice on the person in charge of the vehicle.

(2) Such cleansing and disinfection shall be undertaken—

- (a) before loading; and
- (b) after unloading and before leaving the premises of destination.

(3) Such cleansing and disinfection shall also be undertaken after loading and before leaving the premises of origin in respect of the wheels and wheel arches only of the vehicle to ensure they are clean on leaving the premises.

#### **Cleansing and disinfection of vehicles: provision of facilities, equipment and materials**

**46.** Where cleansing and disinfection of vehicles is required at any premises by or under this Order, the occupier of those premises shall, at his own expense, provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

#### **Marks applied under this Order**

**47.** No person shall remove, obscure or erase a mark applied to any animal, carcase, animal product, vehicle or other thing under this Order without the written authority of an inspector.

#### **Change of occupation of premises under restriction**

**48.**—(1) This article applies if the keeper of any animal or poultry is unable to move it from premises on the termination of his right of occupation because of a restriction imposed by or under this Order and continues to apply for seven days after the last restriction is removed.

(2) Where this article applies, the person entitled to occupation of the premises on that termination shall—

- (a) provide such facilities for feeding, tending or otherwise using the animal or poultry (including selling it) as the keeper may reasonably require; and
- (b) allow entry to the premises to that keeper and any person authorised by him at reasonable times for feeding, tending or otherwise using the animal or poultry.

(3) If the keeper is unable or unwilling to feed or tend the animal or poultry, the person entitled to occupation of the premises shall ensure it is properly fed and tended.

(4) The keeper of the animal or poultry is liable to pay the reasonable costs incurred by any person feeding or tending it under this article, or providing facilities for feeding, tending or otherwise using it under this article.

**Reasonable assistance**

49. Any person required to give reasonable assistance or information to a person acting under this Order shall, unless he has reasonable cause, do so without delay.

**False information**

50. No person shall furnish information which he knows to be false or misleading to a person acting under this Order.

**Compliance with notices and directions**

51.—(1) Any notice served under this Order shall be complied with at the expense of the person on whom it is served, except where otherwise provided in that notice.

(2) Any direction given under this Order shall be complied with at the expense of the person to whom it is given, except where otherwise provided in a written direction of the Secretary of State.

**Production of records**

52.—(1) Any person required to produce a record by a person acting under this Order shall do so without delay.

(2) On production, a person acting under this Order may—

- (a) copy any records, in whatever form they may be held;
- (b) remove any records to enable them to be copied, or where they are kept electronically, require them to be produced in a form which may be taken away.

(3) A person removing records under this article shall give a written receipt for them.

**Retention of records**

53. Any person making a record required by this Order shall retain it for the following period—

- (a) in the case of a record made under paragraph 10 of Schedule 3, six years unless the record relates solely to the cleansing and disinfection of a vehicle, in which case six months;
- (b) in the case of a record made under—
  - (i) paragraph 1 of Schedule 1;
  - (ii) paragraph 1 of Schedule 5; or
  - (iii) paragraph 2 of Schedule 8,

three years after the requirement to maintain records in the relevant paragraph ceases to have effect in relation to the premises in question.

**Designated areas and periods for the inspection of vehicles**

54. The following are designated for the purposes of section 65A of the Act (inspection of vehicles)—

- (a) any temporary control zone for the duration of its existence;
- (b) any supplementary movement control zone for the duration of its existence;
- (c) any protection zone for the duration of its existence;
- (d) any surveillance zone for the duration of its existence;
- (e) any restricted zone for the duration of its existence;

- (f) any wild animal infected zone for the duration of its existence.

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

**55.**—(1) This article applies to—

- (a) any zone declared under this Order; and
- (b) any premises subject to restriction under this Order, that is to say—
  - (i) premises subject to Schedule 1 by virtue of article 9(3), 9(5), 10(1), 10(2) or 11(2),
  - (ii) suspect premises,
  - (iii) contact premises, and
  - (iv) infected premises.

(2) Where this article applies, a veterinary inspector may, if he considers it necessary to prevent the spread of disease, require—

- (a) the detention and isolation of any vehicle, equipment or other thing and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier of the premises where it is present, or on the person in charge of it;
- (b) the cleansing and disinfection of any premises in accordance with Schedule 3 by serving a notice requiring such action on the occupier of those premises;
- (c) the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him requiring such action;
- (d) any person to cleanse himself by serving a notice on him requiring such action;
- (e) the detention or isolation in a specified place of any animal or poultry by serving a notice requiring such action on the occupier of the premises where it is present, or on its keeper;
- (f) the separation of any animal or poultry from other animals or poultry by serving a notice requiring such action on the occupier of the premises where it is present, or on its keeper.

(3) A notice under this article may contain such directions and conditions as the person serving it considers necessary to prevent the spread of disease.

### **Powers of inspectors in case of default**

**56.**—(1) Where a person fails to comply with a requirement imposed by or under this Order an inspector may take any steps he considers necessary to ensure the requirement is met.

(2) Where a person fails to comply with a requirement imposed by or under this Order an inspector may take any steps he considers necessary to rectify the situation so as to prevent the spread of disease.

(3) In taking steps under paragraph (1) or (2) an inspector may seize and detain any animal moved, kept or otherwise dealt with in contravention of a restriction or requirement imposed by or under this Order.

(4) In taking steps under paragraph (2), an inspector may by notice served on any person direct that person to take or refrain from specified action in respect of any place, animal, poultry, vehicle, animal product or other thing.

(5) The person in default shall reimburse any reasonable expenses incurred by the Secretary of State or the local authority in taking such steps and any such debt is recoverable summarily.

### **Offences by bodies corporate**

**57.**—(1) If an offence against the Act committed by a body corporate is shown—

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- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on his part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body.

(3) “Officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

### **Offences: no knowledge of restriction or requirement**

**58.** No person shall be guilty of failing to comply with a restriction or requirement which applies because of the declaration of—

- (a) a temporary control zone;
- (b) a supplementary movement control zone;
- (c) a protection zone;
- (d) a surveillance zone;
- (e) a restricted zone; or
- (f) a wild animal infected zone,

if he shows to the court’s satisfaction that he did not know of that restriction or requirement and that he could not with reasonable diligence have obtained knowledge of it.

### **Enforcement**

**59.**—(1) Subject to paragraphs (2) and (3), this Order shall be enforced by the local authority.

(2) This Order shall be enforced in relation to slaughterhouses by the Secretary of State.

(3) 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 Order shall be discharged by the Secretary of State and not by the local authority.

## **PART 5**

### **Amendments and revocations**

#### **Amendment to the Diseases of Animals (Approved Disinfectants) Order 1978**

**60.** In article 2 of the Diseases of Animals (Approved Disinfectants) Order 1978(**18**), for the definition “Foot-and-Mouth Disease Orders”, substitute ““Foot-and-Mouth Disease Orders” means the Foot-and-Mouth Disease (England) Order 2006(**19**) and the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006(**20**);“.

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(18) S.I. 1978/32, to which there are amendments not relevant to this Order.

(19) S.I. 2006/182.

(20) S.I. 2006/183.

### **Amendment to the Foot-and-Mouth Disease (Ascertainment of Value) (No. 5) Order 2001**

- 61.** In the Foot-and-Mouth Disease (Ascertainment of Value) (No. 5) Order 2001<sup>(21)</sup>—
- (a) in article 2(1), for “paragraph 3(2)” substitute “paragraphs 2A(10) and 3(2)”; and
  - (b) in article 2(6), for “paragraph 3(1)” substitute “paragraph 2A(2) or paragraph 3(1)”.

### **Amendment to the Disease Control (England) Order 2003**

- 62.** In the Disease Control (England) Order 2003<sup>(22)</sup>, for article 3 substitute—

**“Exception**

- 3.** This Order shall not apply in relation to a movement to or from a zoo licensed under the Zoo Licensing Act 1981<sup>(23)</sup>.”.

### **Revocations**

- 63.** The Orders listed in Schedule 9 are revoked to the extent specified in that Schedule.

*Ben Bradshaw*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

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<sup>(21)</sup> S.I. 2001/2734.

<sup>(22)</sup> S.I. 2003/1729.

<sup>(23)</sup> 1981 c. 37.

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## SCHEDULE 1

Articles 9(3), 9(5), 10(1), 10(2), 11(2),  
14(6) and 17(3)

Measures applicable in respect of premises on suspicion and confirmation of disease

### **Record keeping**

1.—(1) Subject to sub-paragraph (4), the occupier shall create and maintain the following records in respect of the premises—

- (a) the number of each species of animal;
- (b) for each species of susceptible animal, the number of dead animals, the number suspected of being infected and the number suspected of being contaminated; and
- (c) the stock of milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, fodder and used litter.

(2) Records shall be kept in a form approved for the purpose by the Secretary of State.

(3) The occupier shall maintain the records kept under sub-paragraphs (1)(a) and (1)(b) by updating them within 24 hours of any change.

(4) This paragraph does not apply to any person subject to paragraph 1 of Schedule 5.

### **Signs publicising infection or suspicion**

2. The occupier shall ensure that—

- (a) any signs supplied by the Department are displayed in a conspicuous place at the main entrance to the premises or as directed by an inspector; or
- (b) if no signs have been supplied by the Department, a sign reading “FOOT-AND-MOUTH DISEASE – KEEP OUT” in block letters at least 10cm high is erected and maintained at every entrance to the premises.

### **Isolation, removal and detention of susceptible animals**

3.—(1) The occupier shall ensure that susceptible animals are isolated from persons not attending them and from non-susceptible animals.

(2) On service of a notice by an inspector requiring it the occupier shall—

- (a) isolate any specified animal or group of animals from all other animals on such part of the premises as is specified; or
- (b) remove any specified animal or group of animals from such part of the premises as is specified and detain that animal or those animals on such other part of the premises as is specified.

(3) No person shall move any animal isolated or detained under a notice served under sub-paragraph (2) except under the authority of a licence granted by an inspector.

### **Movement of susceptible animals**

4.—(1) Subject to the provisions of this paragraph no person shall move any susceptible animal from or to the premises.

(2) The prohibition in sub-paragraph (1) does not apply to susceptible animals leaving contact premises (other than contact premises in a temporary control zone)—

(a) after the incubation periods for all susceptible animals on the premises have elapsed (calculated from the date of declaration of the contact premises) and under the authority of a licence granted by an inspector; or

(b) where the movement is direct to a slaughterhouse for emergency slaughter and is under the authority of a licence granted by an inspector.

(3) No inspector shall grant a licence under sub-paragraph (2)(b) unless he is satisfied that the animals to be moved have been clinically examined by a veterinary inspector with a negative result and the slaughterhouse is the nearest slaughterhouse to the premises with capacity to slaughter the animals.

(4) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub-paragraph (2)(b) shall ensure that it is cleansed and disinfected in accordance with article 45.

(5) The prohibition in sub-paragraph (1) does not apply to animals entering or leaving free units (other than free units in a temporary control zone).

(6) The prohibition in sub-paragraph (1) does not apply to the movement of animals leaving infected premises for slaughter under the authority of a licence granted by the Secretary of State.

(7) The prohibition in sub-paragraph (1) does not apply to movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

#### **Movement of things liable to spread disease**

5.—(1) Subject to the provisions of this paragraph, no person shall move from the premises any meat, carcase, meat product, milk, milk product, semen, ovum or embryo of a susceptible animal.

(2) Where the Secretary of State is satisfied that it is not reasonable to require milk to be kept on the premises, she may—

(a) serve a notice requiring that milk is destroyed on the premises; or

(b) grant a licence authorising milk to be transported from the premises to the nearest place available for disposal or treatment to destroy disease.

(3) Transport of milk under the authority of a licence granted under sub-paragraph (2)(b) shall be carried out in a vehicle which an inspector has approved as equipped to ensure that there is no risk of spreading disease.

(4) If the Secretary of State grants a licence under sub-paragraph (2)(b), she shall serve a notice on the person in charge of the premises to which milk is transported directing the method of disposal or treatment.

#### **Movement of fodder, etc.**

6. No person shall move from the premises any fodder, utensils, wool, hide or skin, bristles, animal waste, slurry, manure or any other thing liable to spread disease except under the authority of a licence granted by the Secretary of State.

#### **Movement of persons on to or off the premises**

7. No person shall enter or leave the premises unless—

(a) his principal residence is a dwelling on the premises;

(b) his place of employment is the premises;

(c) it is necessary for the provision of emergency services; or

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(d) he is authorised to do so by a licence granted by the Secretary of State.

### **Cleansing and disinfection of clothing, etc**

**8.**—(1) No person shall enter or leave the premises—

- (a) wearing clothes or boots which are visibly soiled with mud, slurry, animal faeces, droppings, excretions or any similar matter; and
- (b) without cleansing and disinfecting the outer surfaces of his footwear in accordance with the directions of an inspector.

(2) No person shall enter any part of the premises—

- (a) in which an animal which is infected or suspected of being infected is being kept or has recently been kept; or
- (b) in order to attend to or treat an animal,

unless wearing clothing and footwear approved by an inspector.

(3) No person shall leave any such part of the premises without having cleansed his hands to the satisfaction of an inspector and having either—

- (a) cleansed and disinfected his clothing and footwear to the satisfaction of an inspector; or
- (b) removed such clothing and footwear for laundering, cleansing and disinfection or disposal as an inspector reasonably directs by notice served on that person.

(4) A notice under sub-paragraph (3)(b) shall specify the required method of laundering, cleansing and disinfection or disposal.

### **Disinfection**

**9.**—(1) The occupier shall provide and renew such clean water and means of disinfection as an inspector directs at every entrance to the premises and at every entrance to a building where susceptible animals are kept.

(2) The occupier shall ensure that any slurry or shed washings are disinfected in accordance with the directions of an inspector before they are permitted to drain or escape from any part of the premises where an infected animal or an animal suspected of being infected or contaminated is or has been kept.

### **Movement of vehicles on to or off the premises**

**10.** No person shall move any vehicle on to or off the premises unless the movement is—

- (a) necessary for the provision of emergency services; or
- (b) authorised by a licence granted by the Secretary of State.

### **Movement of non-susceptible animals**

**11.** No person shall move from the premises any non-susceptible animal except under the authority of a licence granted by the Secretary of State.

### **Control of rodents**

**12.** The occupier shall take steps to destroy any rats, mice and other rodents on the premises (other than pet rats, mice and other rodents).

## SCHEDULE 2

Article 12(11)

### Criteria for confirming disease

1. Disease virus has been isolated from an animal kept on the premises, any product derived from that animal, or its environment.
2. Clinical signs consistent with disease are observed in an animal kept on the premises, and the viral antigen or viral ribonucleic acid (RNA) specific to one or more of the serotypes of the disease virus has been detected and identified in samples collected from the animal or animals of the same epidemiological group.
3. Clinical signs consistent with disease are observed in an animal kept on the premises and the animal or its cohorts have tested positive for antibody to the disease virus structural or non-structural proteins (and previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity).
4. Viral antigen or viral RNA specific to one or more of the serotypes of the disease virus has been detected and identified in samples collected from an animal kept on the premises and the animal is positive for antibody to disease virus structural or non-structural proteins (and in the case of antibodies to structural proteins previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity).
5. An epidemiological link has been established to infected premises and at least one of the following conditions applies—
  - (a) one or more animals kept on the premises are positive for antibody to the disease virus structural or non-structural proteins (and previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity);
  - (b) viral antigen or viral RNA specific to one of the serotypes of the disease virus has been detected and identified in samples collected from one or more animals kept on the premises;
  - (c) serological evidence of active infection with disease has been established in one or more animals kept on the premises (and previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity) by detection of seroconversion from negative to positive for antibody to the disease virus structural or non-structural proteins (where a previous seronegative status cannot reasonably be expected, carried out in paired samples collected from the same animals on two or more occasions at least 5 days apart, in the case of structural proteins, and at least 21 days apart, in the case of non-structural proteins);
  - (d) clinical signs consistent with disease are observed in a susceptible animal kept on the premises.

*Status: Point in time view as at 23/03/2011.*

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## SCHEDULE 3

Articles 15(5), 28(2), 28(3), 29(2), 29(3),  
30(3), 37(6), 43(3) and 55(2)

### Cleansing and Disinfection of premises

## PART 1

### General procedures for cleansing and disinfection of premises

**1.** This Part applies to all cleansing and disinfection of premises (including cleansing and disinfection of vehicles, equipment and other things liable to spread disease on those premises).

**2.** The Secretary of State may by notice served on the occupier of any premises direct that any cleansing and disinfection operation shall be carried out by that person and such a notice shall state whether such cleansing and disinfection is to be carried out at the expense of that person or at the expense of the Secretary of State.

**3.** Every person carrying out cleansing or disinfection under this Schedule shall do so in accordance with any additional directions given by an inspector.

**4.** Used litter and faecal matter shall be thoroughly soaked with disinfectant.

**5.** All surfaces which may be contaminated shall be brushed and scrubbed thoroughly, in particular floors, ramps, walls and the ground, followed by an application of disinfectant.

**6.** Equipment or other things obstructing thorough cleansing and disinfection shall be moved or dismantled where this is reasonably practicable.

**7.** Water used for cleansing shall be disposed of so as to minimise the risk of the spread of disease.

**8.** Washing of surfaces with liquids under pressure shall be carried out so as to minimise any risk of contamination.

**9.** Equipment, installations or other things which may be contaminated shall be cleansed and disinfected or destroyed.

**10.—(1)** Every person carrying out a cleansing and disinfection operation shall ensure that a written record of it is made.

(2) The record shall include the date and time of the operation.

(3) The person in charge of a vehicle which is cleansed and disinfected under this Schedule shall ensure, so far as is possible, that the record is kept with the vehicle at all times.

## PART 2

### Cleansing and disinfection of infected premises

**11.** This Part applies to the cleansing and disinfection of infected premises.

#### CHAPTER 1

##### Preliminary disinfection of infected premises

**12.** Cleansing and disinfection shall be carried out during and immediately following slaughter so as to minimise the risk of disease spread and in accordance with the directions of an inspector.

**13.** Following slaughter—

- (a) every carcase shall be sprayed with disinfectant;
- (b) carcases removed from the premises for disposal shall be contained in covered, leak-proof containers;
- (c) all parts of the premises which housed susceptible animals, and any buildings and yards or other surfaces which may have been contaminated during or after slaughter, shall be sprayed with disinfectant.

14. Disinfectant shall not be removed for at least 24 hours after application.

## CHAPTER 2

### Final cleansing and disinfection of infected premises

15. Grease and dirt shall be removed from all surfaces by the application of a degreasing agent and washed with water or steam.

16. Following degreasing and washing with water or steam, disinfectant shall be reapplied.

17. At least seven days after the reapplication of disinfectant, the operations in paragraphs 15 and 16 shall be repeated, followed by final washing with water or steam.

## PART 3

### Disinfection of contaminated used litter, manure and slurry

18. This Part applies to the disinfection of contaminated used litter, manure and slurry on premises.

19. Unless otherwise directed by the Secretary of State by notice served on the occupier, the used litter and the solid phase of manure shall be—

- (a) stacked to heat by adding 100kg granulated quick lime to each 1m<sup>3</sup> of material;
- (b) heated to a temperature of at least 70°C throughout, sprayed with disinfectant and left for a period of at least 42 days; and
- (c) covered or re-stacked during the period referred to in (b) so as to ensure thermic treatment of all layers of the stack.

20.—(1) Unless otherwise directed by the Secretary of State by notice served on the occupier, slurry and the liquid phase of manure shall be stored for at least the period in sub-paragraph (2) after the last addition of infective material.

(2) The period for the purposes of sub-paragraph (1) is 42 days or such other period as the Secretary of State directs by notice served on the occupier having taken into account—

- (a) the extent of the contamination;
- (b) the weather conditions; and
- (c) the pH of the substance after disinfection and its likely effect on the disease virus.

## PART 4

### Special cases

21. Where the Secretary of State is satisfied that cleansing and disinfection of premises cannot be completed in accordance with Parts 1 to 3 of this Schedule, she shall serve a notice on the occupier notifying him of that opinion and paragraph 22 then applies to those premises.

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**22.** Cleansing and disinfection of premises to which this paragraph applies shall be carried out in accordance with the directions of an inspector.

## SCHEDULE 4

Article 30(2)

### Restocking of premises

## PART 1

### General principles

**1.**—(1) In this Schedule, “vaccinated” means treated with hyperimmune serum or vaccine against disease and “unvaccinated” shall be construed accordingly.

(2) Paragraphs 2 to 5 apply subject to paragraphs 6 and 7.

**2.** Animals for restocking may only be introduced under the following conditions—

- (a) the animals shall not come from a temporary control zone, protection zone, surveillance zone or vaccination zone;
- (b) the Secretary of State must have confirmed by notice served on the occupier that she is satisfied that no residual disease virus can be detected in the animals on the basis of clinical signs (for bovine animals or swine) or laboratory investigations (for other species);
- (c) the animals shall either—
  - (i) originate on and come from premises where there has been no confirmed case of disease within 10 kilometres for at least 30 days, or
  - (ii) have been tested with negative results in an assay for the detection of antibodies against the disease virus carried out on samples taken prior to restocking.

**3.** During restocking, animals shall be introduced into all units and buildings of the premises.

**4.**—(1) Subject to sub-paragraph (2), during restocking each animal shall—

- (a) be subject to clinical inspection every three days for the first 14 days following its introduction; and
- (b) during the period from 15 to 28 days after its introduction, be subject to clinical inspection once per week.

(2) If no infected premises have been declared within 10 kilometres of any premises for at least 3 months before the commencement of restocking, the Secretary of State may, by notice served on the occupier of those premises, except those premises from the requirements of sub-paragraph (1).

**5.** Not earlier than 28 days after the last introduction, each animal shall be clinically examined by a veterinary inspector and samples tested for the presence of antibodies against the disease virus.

## PART 2

### Restocking of premises in a vaccination zone or with vaccinated animals

**6.** Instead of restocking in accordance with paragraphs 2 to 5, premises in a vaccination zone may be restocked if the following conditions are satisfied—

- (a) a veterinary inspector has, within the 24 hours prior to introduction, carried out a clinical examination on every susceptible animal on every premises of origin of an animal to be introduced without having identified signs of disease;
  - (b) no animal to be introduced has come from a protection zone or surveillance zone;
  - (c) every animal to be introduced has been tested for antibodies against disease by a veterinary inspector after the end of its incubation period with negative results or a serological survey has been completed by a veterinary inspector on the animals to be introduced with negative results.
7. Where any vaccinated animal is to be introduced to premises outside a vaccination zone—
- (a) it shall not be subject to paragraphs 2 to 5; and
  - (b) if the proportion of vaccinated animals to be introduced is 75% or greater, then not earlier than 28 days after the last introduction of susceptible animals to those premises, the Secretary of State shall ensure that the vaccinated animals are randomly tested for the detection of antibodies against non-structural proteins.

## PART 3

### Movement of susceptible animals during restocking and completion of restocking

8. During restocking, no person shall move a susceptible animal from the premises.
9. The Secretary of State shall declare the completion of restocking by notice served on the occupier if—
- (a) every introduced unvaccinated animal on the premises has undergone the examination and test in paragraph 5 with negative results and, where paragraph 7(b) applies, the tests in that sub-paragraph have been carried out with negative results; or
  - (b) the conditions in paragraph 6 are satisfied.

## SCHEDULE 5

Articles 22(2), 34(1) and Schedule 1

### Measures applicable in respect of protection zones and surveillance zones

## PART 1

### Measures applicable in respect of both protection zones and surveillance zones

#### **Record keeping in protection zones and surveillance zones**

- 1.—(1) The occupier of every premises in a protection zone or surveillance zone where susceptible animals are kept shall create and maintain the following records in respect of the premises—
- (a) the number of each species of animal kept;
  - (b) for each species of susceptible animal, the number of dead, the number suspected of being infected and the number suspected of being contaminated;
  - (c) the stock of milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, fodder and used litter.

*Status: Point in time view as at 23/03/2011.*

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(2) Records shall be kept in a form approved for the purpose by the Secretary of State.

(3) The occupier shall maintain the records kept under sub-paragraphs (1)(a) and (1)(b) by updating them within 24 hours of any change.

### **Straying of susceptible animals**

2.—(1) The keeper of a susceptible animal in a protection zone or surveillance zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a protection zone or a surveillance zone.

### **Control of dogs and poultry in protection zones and surveillance zones**

3.—(1) The owner of any dog in a protection zone or surveillance zone shall keep it under control by—

- (a) confining it in a dwellinghouse, kennel or other enclosure;
- (b) securing it to a fixed object by a collar and chain; or
- (c) accompanying it or ensuring that it is accompanied by a responsible person.

(2) An inspector may seize any dog which is not kept under control in accordance with sub-paragraph (1) and deal with it as if it was a dog seized under the powers conferred by section 149 of the Environmental Protection Act 1990(24).

(3) An inspector may, if he considers any dog or poultry not to be under control, by notice served on the occupier of the premises where it is kept require him to keep that dog or poultry under control, or to confine it to the part of the premises specified in the notice.

### **Shearing or dipping sheep in a protection or surveillance zone**

4.—(1) Subject to sub-paragraph (2), no person shall—

- (a) shear or dip sheep; or
- (b) handle fleeces or sheep during shearing or dipping,

in a protection zone or surveillance zone except under the authority of a licence granted by an inspector.

(2) The prohibition in sub-paragraph (1) does not apply to the occupier of any premises or his employees (other than any 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.

(3) In this article—

- (a) “shearing” includes clipping and dagging; and
- (b) “dipping” includes showering and jetting sheep with sheep dip.

### **Ultrasound scanning of sheep in a protection or surveillance zone**

5.—(1) Subject to sub-paragraph (2), no person shall carry out ultrasound scanning of sheep in a protection zone or surveillance zone except under the authority of a licence granted by an inspector.

(2) The prohibition in sub-paragraph (1) does not apply to the occupier of any premises or his employees (other than any person employed by him primarily for the purpose of carrying out ultrasound scanning of sheep) in respect of the carrying out of ultrasound scanning of sheep kept on

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(24) 1990, c. 43.

those premises using ultrasound scanning equipment of which the occupier is the owner or person in charge.

### **Semen, ova and embryos collected in a protection or surveillance zone**

6.—(1) This paragraph applies to semen, ova and embryos collected from susceptible animals originating in a protection zone or surveillance zone.

(2) No person shall sell or consign for sale—

- (a) any ova or embryos unless they comply with sub-paragraph (3); or
- (b) any semen unless it complies with sub-paragraph (3) or (4).

(3) Semen, ova and embryos comply with this sub-paragraph if they satisfy the following requirements—

- (a) they are frozen;
- (b) they were collected and stored more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone;
- (c) they have at all times been stored separately from semen, ova and embryos which were not so collected and stored.

(4) Semen complies with this sub-paragraph if it satisfies the following requirements—

- (a) it is frozen;
- (b) it was collected and stored 21 or fewer days before the earliest infection date in the protection zone (in the case of a surveillance zone, the associated protection zone) or on or after that infection date;
- (c) it was at all times stored separately from semen which was not so collected and stored;
- (d) it is not sold or consigned for sale until the premises on which it was collected is no longer in a protection zone or surveillance zone;
- (e) a veterinary inspector certifies by notice served on the owner of the semen that he has—
  - (i) clinically examined all susceptible animals on the premises on which it was collected,
  - (ii) subjected a serological sample from each such animal to a test for disease with a negative result, and
  - (iii) subjected a serological sample taken from the donor animal 28 days or more after collection of the semen to a test for the detection of antibodies against disease with a negative result.

### **Hides and skins of susceptible animals originating in a protection or surveillance zone**

7.—(1) This paragraph applies to hides and skins of susceptible animals originating in a protection zone or surveillance zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless either—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, and
  - (ii) at all times stored separately from hides and skins which were not so produced; or
- (b) it has been treated so that it falls within paragraph 2 of Schedule 6.

*Status: Point in time view as at 23/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (England) Order 2006. (See end of Document for details)*

**Wool, ruminant hair and pig bristles from animals originating in a protection or surveillance zone**

8.—(1) This paragraph applies to wool, ruminant hair and pig bristles from animals originating in a protection zone or a surveillance zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless either—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone; and
  - (ii) at all times was stored separately from wool, ruminant hair and pig bristles which were not so produced; or
- (b) it has been treated so that it falls within paragraph 3 of Schedule 6.

**Other animal products produced in a protection zone or a surveillance zone or from animals originating in such a zone**

9.—(1) This paragraph applies to any animal product other than—

- (a) fresh meat, minced meat, mechanically separated meat or any meat preparation;
- (b) milk or any milk product;
- (c) any semen, ovum or embryo;
- (d) any hide or skin; or
- (e) any wool, ruminant hair or pig bristles,

if it is produced in a protection zone or surveillance zone from susceptible animals, or from susceptible animals originating in a protection zone or surveillance zone.

(2) No person shall sell or consign for sale an animal product to which this paragraph applies unless it satisfies one of the following requirements—

- (a) it was—
  - (i) produced more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, and
  - (ii) at all times stored and transported separately from animal products not so produced;
- (b) it has been treated so that it falls within paragraph 4 of Schedule 6;
- (c) where it is referred to in one of paragraphs 5 to 9 of Schedule 6, it has been treated so that it falls within that paragraph;
- (d) it forms part of a composite product (that is, a manufactured or processed product containing more than one ingredient at least one of which is an animal product) and each ingredient which is an animal product—
  - (i) is referred to in a paragraph of Schedule 6 and has been treated so that it falls within that paragraph (either before manufacturing or processing, or as part of the composite product), or
  - (ii) was not produced from susceptible animals originating on infected premises, suspect premises or contact premises or in a temporary control zone, protection zone, surveillance zone or vaccination zone;
- (e) it is a packaged product ready for use—
  - (i) as a reagent, reagent product, calibrator, kit or any other system (whether used alone or in combination);

- (ii) in vitro for the examination of samples of human or animal origin (with the exception of donated organs or blood); and
- (iii) solely or principally with a view to the diagnosis of a physiological state, state of health, disease or genetic abnormality or to determine safety and compatibility with reagents.

## PART 2

### Measures applicable only in respect of a protection zone

#### **Movement of susceptible animals from or to premises in a protection zone**

**10.**—(1) Subject to the provisions of this paragraph, no person shall move any susceptible animal from or to premises in a protection zone.

(2) The prohibition in sub-paragraph (1) does not apply to the transport of susceptible animals for emergency slaughter under the authority of a licence granted by an inspector from premises in a protection zone direct to a slaughterhouse—

- (a) in the same protection zone; or
- (b) if there is no slaughterhouse in that protection zone, outside the protection zone.

(3) No inspector shall grant a licence under sub-paragraph (2) unless he is satisfied that—

- (a) a veterinary inspector has within the previous 24 hours carried out a clinical examination on every susceptible animal on the premises; and
- (b) there is no suspicion of infection or contamination on the premises.

(4) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub-paragraph (2) shall ensure that it is cleansed and disinfected in accordance with article 45.

(5) The prohibition in sub-paragraph (1) does not apply to the movement of animals leaving infected premises for slaughter under the authority of a licence granted under paragraph 4(6) of Schedule 1.

(6) The prohibition in sub-paragraph (1) does not apply to movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

#### **Movement of non-susceptible animals from or to premises in a protection zone where susceptible animals are kept**

**11.**—(1) Subject to the provisions of this paragraph, no person shall move any non-susceptible animal from or to premises in a protection zone where susceptible animals are kept.

(2) The prohibition in sub-paragraph (1) does not apply to—

- (a) the movement of pet animals which are not susceptible animals;
- (b) the movement of horses under the terms of a licence granted by an inspector; or
- (c) the movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

(3) Any inspector granting a licence under sub-paragraph (2)(b) shall take account of the recommended measures in paragraph 2.2 of Annex VI to the Directive.

*Status: Point in time view as at 23/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (England) Order 2006. (See end of Document for details)*

### **Movement of animals into or out of a protection zone**

**12.**—(1) Subject to the provisions of this paragraph, no person shall move any animal into or out of a protection zone.

(2) The prohibition in sub-paragraph (1) does not apply to—

- (a) movements permitted under paragraph 10 or 11;
- (b) the movement of pet animals which are not susceptible animals;
- (c) the movement of horses under the terms of a licence granted by an inspector;
- (d) transport through the zone without stopping; or
- (e) transport from outside the zone directly to a slaughterhouse in the zone for immediate slaughter there under the terms of a licence granted by an inspector.

(3) Any inspector granting a licence under sub-paragraph (2)(c) shall take account of the recommended measures in paragraph 2.2 of Annex VI to the Directive.

(4) A licence granted under paragraph (2)(e) shall—

- (a) certify that the premises on which the movement originates is outside the protection zone; and
- (b) specify the route to be taken.

(5) The person in charge of any vehicle used to transport animals under the authority of a licence granted under sub-paragraph (2)(e) shall—

- (a) ensure that it is cleansed and disinfected in accordance with article 45;
- (b) make a record of the date and time of that cleansing and disinfection;
- (c) keep the record with the vehicle at all times; and
- (d) retain the record for six months after the last such cleansing and disinfection.

### **Movement of vehicles from premises in a protection zone where susceptible animals are kept**

**13.** No person shall move any vehicle designed or adapted for the transport of animals from premises in a protection zone where susceptible animals are kept except under the authority of a licence granted by an inspector.

### **Control of animal gatherings in a protection zone**

**14.** No person shall hold any animal gathering in a protection zone.

### **Control of gatherings of people in a protection zone**

**15.**—(1) No person shall hold or take part in the following activities in a protection zone—

- (a) hunting any drag or other trail;
- (b) falconry, except under the authority of a licence granted by the Secretary of State;
- (c) point-to-point meetings;
- (d) stalking.

(2) Subject to sub-paragraphs (3), (4) and (5), no person shall shoot game or other wildlife or deer in a protection zone.

(3) The occupier of any land, members of his household, persons employed by him as beaters and any member of a shooting party of not more than three persons authorised by him, may shoot game, other wildlife or deer found on that land.

(4) A person may shoot birds under the authority of a licence granted by the Secretary of State, and

(5) A person may cull deer under the authority of a licence granted by the Secretary of State.

(6) Where holding any recreational or sporting activity may, in the opinion of the Secretary of State, spread disease, she may prohibit it by serving a notice on the person responsible for the activity.

(7) In this paragraph “falconry” means the use of birds of the order *Falconiformae* to hunt for game or other wildlife.

### **Breeding in a protection zone**

**16.**—(1) No person shall carry out breeding of susceptible animals by means of itinerant service in a protection zone.

(2) No person shall carry out artificial insemination of animals or collect any embryo or ovum in a protection zone except in compliance with sub-paragraph (3) or (4).

(3) Artificial insemination of a susceptible animal complies with this sub-paragraph if it satisfies the following requirements—

(a) it is carried out by the occupier of the premises where the animal is kept (or any employee of that occupier);

(b) the semen used has not left the premises since the protection zone was declared, or was delivered to the occupier or his employee at a place outside the premises from a semen collection centre;

(c) it is carried out using equipment which has been on the premises since the protection zone was declared.

(4) Artificial insemination of a non-susceptible animal or the collection of embryos or ova from such an animal complies with this sub-paragraph if—

(a) it is carried out by the occupier of the premises where the animal is kept (or any employee of that occupier); and

(b) either no susceptible animals are kept on the premises or (in the case of artificial insemination only) it is carried out under the authority of a licence granted by the Secretary of State.

### **Slaughter for private consumption in a protection zone**

**17.** No person shall slaughter a susceptible animal on premises in a protection zone for private consumption on those premises.

### **Transport of fodder in a protection zone**

**18.** No person shall transport fodder to premises in a protection zone where susceptible animals are kept except under the authority of a licence granted by an inspector.

### **Sale of fodder originating in a protection zone**

**19.** No person shall sell or consign for sale fodder produced in a protection zone unless it satisfies one of the following requirements—

(a) it was—

(i) produced more than 21 days before the earliest infection date in the protection zone, and

(ii) at all times stored and transported separately from other fodder and in such a way as to avoid contamination;

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- (b) it is authorised for sale in that protection zone to the final user by a licence granted by an inspector;
- (c) it was produced on premises where susceptible animals are not kept using raw materials also produced on such premises or raw materials produced outside the protection zone;
- (d) it is straw or forage falling within paragraph 10 of Schedule 6.

### **Transport, treatment and spreading of dung and manure produced in a protection zone**

**20.**—(1) This paragraph applies to dung or manure—

- (a) from premises in a protection zone where susceptible animals are kept; or
- (b) collected from vehicles carrying susceptible animals from or within a protection zone.

(2) No person shall transport dung or manure to which this paragraph applies unless such transport complies with sub-paragraph (3) or (5), and with sub-paragraph (6).

(3) Transport of dung or manure complies with this sub-paragraph where it is to an establishment for treatment to destroy the disease virus and under the authority of a licence granted by an inspector.

(4) The occupier of premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) shall ensure that it is treated in accordance with [F7 Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011].

(5) Transport of dung or manure for spreading complies with this sub-paragraph if it satisfies the following requirements—

- (a) the dung or manure is for spreading on premises where susceptible animals are not kept;
- (b) the dung or manure was produced more than 21 days before the earliest infection date in the protection zone;
- (c) where the dung or manure is from bovine animals or pigs—
  - (i) all animals on the premises where it was produced have been clinically examined by a veterinary inspector who is satisfied by such examination that they are free of infection, and
  - (ii) the dung or manure was produced at least 4 days before such examination.

(6) Transport of dung or manure complies with this sub-paragraph if it is carried out in vehicles which are—

- (a) constructed and maintained so that there is no leakage of the load during transport; and
- (b) cleansed and disinfected after loading and before leaving the premises of origin.

(7) After transporting dung or manure under this paragraph, the person in charge of the vehicle shall ensure it is cleansed and disinfected after unloading or spreading and before leaving the premises of destination.

(8) The person in charge of a vehicle to be cleansed and disinfected so as to comply with sub-paragraph (6) or under sub-paragraph (7) shall ensure that such cleansing and disinfection is carried out so that—

- (a) the exterior (including the wheels and wheel arches) is not marked with mud, dung, manure or similar matter on leaving the premises of origin or the premises of destination;
- (b) the interior (excluding any driver or passenger compartment) is not so marked on leaving the premises of destination; and
- (c) any additional requirements as an inspector directs are complied with.

(9) No person shall spread dung or manure to which this paragraph applies unless such spreading is authorised by a licence granted by an inspector and the dung or manure—

- (a) is spread from not more than 1 metre above the ground;
  - (b) if spread as a liquid, is not discharged by equipment producing a jet or spray unless the discharge point is directed downwards at an angle of not less than 45° from the horizontal; and
  - (c) is immediately incorporated into the ground.
- (10) Any licence granted under sub-paragraph (9) shall contain at least the following terms—
- (a) designation of the fields on which dung or manure from bovine animals or pigs may be spread; and
  - (b) designation of a distance from premises where susceptible animals are kept within which dung or manure must not be spread.

#### Textual Amendments

- F7** Words in Sch. 5 para. 20(4) substituted (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), reg. 1, [Sch. 2 para. 8\(5\)\(a\)](#)

#### **Fresh meat etc. derived from susceptible animals originating in a protection zone**

**21.**—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals originating in a protection zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a protection zone unless—

- (a) it was produced more than 21 days before the earliest infection date in the protection zone;
- (b) after production, it was at all times stored and transported separately from meat to which this paragraph applies produced on or after that date; and
- (c) it was health marked or identification marked and that mark was over stamped.

#### **Fresh meat etc. produced on premises in a protection zone**

**22.**—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals and produced on premises in a protection zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a protection zone unless it has been produced in an establishment which—

- (a) is authorised by a licence granted by the Secretary of State imposing such conditions as she considers necessary to ensure strict veterinary control of the establishment;
- (b) processes only meat falling within sub-paragraph (3); and
- (c) at all times during the production process stores, identifies and transports products intended to be eligible for despatch outside the protection zone separately from those which are not, and in accordance with the directions of the Secretary of State.

(3) Meat falls within this sub-paragraph if—

- (a) it was either—
  - (i) produced in the protection zone more than 21 days before the earliest infection date there, or
  - (ii) produced from animals reared and slaughtered outside a protection zone, or
  - (iii) produced from animals transported to the establishment under the authority of a licence granted under paragraph 12(2)(e), and slaughtered there; and

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- (b) it is health marked or identification marked.

**Meat products produced from meat derived from susceptible animals originating in a protection zone**

**23.**—(1) This paragraph applies to meat products produced from meat derived from susceptible animals originating in a protection zone.

(2) No person shall sell or consign for sale any meat product to which this paragraph applies unless—

- (a) it was produced from fresh meat, minced meat, mechanically separated meat or a meat preparation which may be sold or consigned for sale because it satisfies the conditions in paragraph 21(2); or
- (b) it was produced from fresh meat, minced meat, mechanically separated meat or a meat preparation which was—
  - (i) health marked or identification marked and that mark was overstamped,
  - (ii) transported in sealed containers to an establishment designated by the Secretary of State as authorised to treat meat from a protection zone, and
  - (iii) treated at that establishment so that it falls within paragraph 1 of Schedule 6.

**Milk and milk products produced from susceptible animals originating in a protection zone or on premises in a protection zone**

**24.**—(1) No person shall sell or consign for sale the milk of a susceptible animal originating in a protection zone or any milk product produced from such milk unless it complies with sub-paragraph (2) or (3).

(2) Milk and milk products comply with this sub-paragraph if—

- (a) they were produced more than 21 days before the earliest infection date in the protection zone; and
- (b) they have at all times been stored and transported separately from milk and milk products produced on or after that date.

(3) Milk and milk products comply with this sub-paragraph if—

- (a) they have been treated so as to fall within paragraph 13 or 14 of Schedule 6; and
- (b) that treatment was carried out either—
  - (i) in the protection zone on premises which comply with sub-paragraph (6), or
  - (ii) outside the protection zone on such premises as the Secretary of State may direct.

(4) No person shall sell or consign for sale the milk of a susceptible animal produced on premises in the protection zone or any milk product produced from such milk unless—

- (a) any transport of raw milk from outside a protection zone to those premises complies with sub-paragraph (5); and
- (b) those premises comply with sub-paragraph (6).

(5) Transport of raw milk complies with this sub-paragraph if—

- (a) the vehicle was cleansed and disinfected on the premises of origin and before loading in accordance with the directions of an inspector; and
- (b) the vehicle did not enter any other premises in a protection zone where susceptible animals are kept after that cleansing and disinfection.

(6) Premises comply with this sub-paragraph if they satisfy the following requirements—

- (a) they are authorised by a licence granted by the Secretary of State imposing such conditions as she considers necessary to ensure strict veterinary control;
- (b) they are operated so that all milk transported to the premises—
  - (i) complies with sub-paragraph (2) or (3), or
  - (ii) is transported to the premises for treatment so that it complies with sub-paragraph (3), or
  - (iii) is raw milk produced outside the protection zone;
- (c) they are operated so that milk on the premises and leaving the premises is clearly identified as eligible for sale outside the protection zone to the final consumer and is at all times stored and transported separately from raw milk and raw milk products which are not so eligible.

### **Collection, transport and processing of milk and milk products produced in a protection zone**

**25.**—(1) No person shall collect and transport milk produced on premises in a protection zone where susceptible animals are kept out of that protection zone or process any such milk unless such transport complies with sub-paragraph (2) and is carried out in a vehicle which complies with sub-paragraph (3).

(2) Transport complies with this sub-paragraph if it is—

- (a) transport of samples of raw milk—
  - (i) to a laboratory authorised in respect of disease under article 4 of the Specified Animal Pathogens Order 1998<sup>(25)</sup>, or
  - (ii) to another laboratory under the authority of a licence granted by an inspector; or
- (b) transport to premises, other than a laboratory, under the authority of a licence granted by an inspector.

(3) A vehicle complies with this sub-paragraph if it—

- (a) has been authorised to operate within the part of England in which the journey is to take place by a licence granted by the Secretary of State; and
- (b) has been marked so as to identify the geographical area in which it is authorised to operate in accordance with the directions of the Secretary of State.

(4) A licence granted under sub-paragraph (2)(b) shall specify the route to be taken and shall include a condition prohibiting the vehicle from entering any premises in the zone where susceptible animals are kept for purposes other than to load milk.

(5) Any person transporting milk under the authority of a licence granted under sub-paragraph (2) shall ensure that—

- (a) the vehicle used is constructed and maintained so that there is no leakage of milk during transport and is equipped to avoid aerosol dispersion during loading and unloading;
- (b) before every loading, the vehicle is cleansed and disinfected in accordance with the directions of an inspector; and
- (c) after every loading and before leaving the premises, the connection pipes, tyres, wheel cases and lower parts of the vehicle, and any spillage of milk, are cleansed and disinfected in accordance with the directions of an inspector.

(6) No person shall process milk transported to a laboratory under this paragraph except under the authority of a licence granted by an inspector.

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<sup>(25)</sup> S.I. 1998/463.

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## PART 3

### Measures applicable only in respect of a surveillance zone

#### **Movement of animals from premises in a surveillance zone**

**26.**—(1) Subject to the provisions of this paragraph, no person shall move any susceptible animal from premises in a surveillance zone.

(2) The prohibition in sub-paragraph (1) does not apply to the transport of susceptible animals for emergency slaughter under the authority of a licence granted by an inspector from premises in a surveillance zone direct to a slaughterhouse—

- (a) in the same surveillance zone; or
- (b) where there is no slaughterhouse in that surveillance zone, outside the surveillance zone and its associated protection zone.

(3) No inspector shall grant a licence under sub-paragraph (2) unless he is satisfied that—

- (a) a veterinary inspector has within the previous 24 hours carried out a clinical examination of every susceptible animal on the premises; and
- (b) there is no suspicion of infection or contamination on the premises.

(4) The prohibition in sub-paragraph (1) does not apply to transport of susceptible animals for slaughter under the terms of a licence granted by an inspector—

- (a) direct to a slaughterhouse outside that surveillance zone and its associated protection zone; or
- (b) direct to a slaughterhouse in that surveillance zone.

(5) No inspector shall grant a licence under sub-paragraph (4) unless he is satisfied that—

- (a) the records required by paragraph 1 have been maintained in respect of the premises;
- (b) a veterinary inspector has within the previous 24 hours inspected every susceptible animal on the premises and has carried out a clinical examination of a representative sample of such susceptible animals; and
- (c) there is no suspicion of infection or contamination on the premises.

(6) No inspector shall grant a licence under sub-paragraph (4)(a) unless he is also satisfied that—

- (a) there is no slaughterhouse in that surveillance zone with sufficient capacity to slaughter the animals; and
- (b) the slaughterhouse at which slaughter is to take place is the nearest slaughterhouse outside the surveillance zone and its associated protection zone with such capacity.

(7) A licence granted under sub-paragraph (2) or (4) may permit transport through the associated protection zone and in such a case shall include a condition requiring that the vehicle travels through that protection zone without stopping.

(8) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub-paragraph (2) or (4) shall ensure that it is cleansed and disinfected in accordance with article 45.

(9) The prohibition in sub-paragraph (1) does not apply to the leading of susceptible animals to pasture in that surveillance zone under the authority of a licence granted by an inspector.

(10) No inspector shall grant a licence under sub-paragraph (9) unless—

- (a) he is satisfied that a veterinary inspector has examined all susceptible animals on the premises (including testing of samples) and concluded that there are no animals suspected of being infected or contaminated on the premises;

- (b) at least 15 days have elapsed since the most recent confirmed case of disease in the associated protection zone; and
- (c) the licence contains a term requiring that animals do not come into contact with susceptible animals from other premises.

(11) The prohibition in sub-paragraph (1) does not apply to movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

### **Control of animal gatherings and gatherings of people in a surveillance zone**

27.—(1) No person shall—

- (a) hold any animal gathering which includes susceptible animals in a surveillance zone; or
- (b) hold any gathering of people on premises in a surveillance zone in connection with the sale of any susceptible animal kept there at which more than two people (other than the owner or keeper of the animal and his representatives) are present,

except under the authority of a licence granted by the Secretary of State.

(2) No person shall hold or take part in the following activities in a surveillance zone—

- (a) hunting any drag or other trail; or
- (b) stalking,

except under the authority of a licence granted by the Secretary of State.

(3) Subject to sub-paragraph (4), no person shall shoot deer except under the authority of a licence granted by the Secretary of State.

(4) The occupier of any land, members of his household, persons employed by him as beaters and any member of a shooting party of not more than three persons authorised by him may shoot deer found on that land.

### **Fresh meat etc. derived from susceptible animals originating in a surveillance zone**

28.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals originating in a surveillance zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a surveillance zone unless—

- (a) it falls within sub-paragraph (3); or
- (b) it is meat (excluding heads, viscera and offal) which complies with sub-paragraph (4), (5) or (6); or
- (c) it falls within sub-paragraph (7).

(3) Meat falls within this sub-paragraph if it satisfies the following requirements—

- (a) it was produced more than 21 days before the earliest infection date in the associated protection zone;
- (b) after production, it was at all times stored and transported separately from products to which this paragraph applies produced on or after that date;
- (c) it was health marked or identification marked and that mark was overstamped.

(4) Meat complies with this sub-paragraph if it is from ruminants and has been deboned so that it falls within paragraph 11 of Schedule 6 and from a carcass which has been matured so that it falls within paragraph 12 of Schedule 6.

(5) Meat complies with this sub-paragraph if—

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- (a) the animals from which it was produced were on the same premises for at least 21 days before slaughter and were identified so as to allow the tracing of those premises; and
  - (b) the meat has been clearly identified and detained under the supervision of the Secretary of State until any suspicion of infection on the premises of origin has been ruled out, but in any event for a period of at least 7 days.
- (6) Meat complies with this sub-paragraph if—
- (a) the animals from which it was produced passed the 21 days before slaughter on the same premises during which no susceptible animal was introduced onto those premises;
  - (b) samples taken from those animals within 48 hours before loading have been tested with negative result in an assay for the detection of antibodies against the disease virus; and
  - (c) the meat has been detained under the control of the Secretary of State for 24 hours and released only after a repeat inspection of the animals on the premises of origin has ruled out on clinical inspection the presence of infected animals or animals suspected of being infected.
- (7) Meat falls within this sub-paragraph if—
- (a) it is trimmed offal;
  - (b) it was health marked or identification marked and that mark was over stamped; and
  - (c) it was subsequently treated to form a meat product which falls within paragraph 1 of Schedule 6.
- (8) In this paragraph, “trimmed offal” means any of—
- (a) heart from which lymphatic glands, connective tissue and adhering fat has been completely removed,
  - (b) liver from which lymphatic glands, adhering connective tissue and fat has been completely removed,
  - (c) whole masseter muscles,
  - (d) tongues with epithelium and without bone, cartilage and tonsils,
  - (e) lungs from which the trachea and main bronchi and the mediastinal and bronchial lymphatic gland have been removed,
  - (f) other offal without bone or cartilage from which lymphatic glands, connective tissue, adhering fat and mucous membrane have been removed;

### **Fresh meat etc. produced on premises in a surveillance zone**

**29.—**(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals and produced on premises in a surveillance zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a surveillance zone unless it has been produced in an establishment which—

- (a) is authorised by a licence granted by the Secretary of State imposing such conditions as she considers necessary to ensure strict veterinary control of the establishment;
  - (b) processes only meat which complies with sub-paragraph (3); and
  - (c) at all times during the production process stores, identifies and transports products eligible for despatch outside the surveillance zone separately from those which are not and in accordance with the directions of the Secretary of State.
- (3) Meat complies with this sub-paragraph if—
- (a) it was either—

- (i) produced from animals transported to the slaughterhouse from the surveillance zone and it falls within paragraph 28(4), 28(5) or 28(6),
  - (ii) produced from animals reared and slaughtered outside the surveillance zone and its associated protection zone, or
  - (iii) produced from animals transported to the slaughterhouse from the protection zone under the authority of a licence granted under paragraph 12(2)(e); and
- (b) it is health marked or identification marked.

**Meat products produced from meat derived from susceptible animals originating in a surveillance zone or produced on premises in a surveillance zone**

**30.**—(1) This paragraph applies to meat products—

- (a) produced from meat derived from susceptible animals originating in a surveillance zone; or
- (b) produced on premises in a surveillance zone.

(2) No person shall sell or consign for sale any product to which this paragraph applies or move any such product out of a surveillance zone unless it complies with sub-paragraph (3) or (4).

(3) Meat products comply with this sub-paragraph if they are produced from fresh meat, minced meat, mechanically separated meat or a meat preparation which was—

- (a) health marked or identification marked and that mark was overstamped;
- (b) transported to an establishment designated by the Secretary of State as authorised to treat meat from a surveillance zone; and
- (c) treated at that establishment to form a meat product which falls within paragraph 1 of Schedule 6.

(4) Meat products comply with this sub-paragraph if they are produced in an establishment which—

- (a) is authorised by a licence granted by the Secretary of State imposing such conditions as she considers necessary to ensure strict veterinary control of the establishment;
- (b) processes only meat which complies with paragraph 29(3); and
- (c) at all times during the production process stores, identifies and transports products eligible for despatch outside the surveillance zone separately from those which are not and in accordance with the directions of the Secretary of State.

**Milk and milk products produced from susceptible animals originating in a surveillance zone or on premises in a surveillance zone**

**31.**—(1) No person shall sell or consign for sale the milk of a susceptible animal originating in a surveillance zone or any milk product produced from such milk unless it complies with sub-paragraph (2) or (3).

(2) Milk and milk products comply with this sub-paragraph if—

- (a) they were produced more than 21 days before the earliest infection date in the associated protection zone; and
- (b) they have at all times been stored and transported separately from milk and milk products produced on or after that date.

(3) Milk and milk products comply with this sub-paragraph if—

- (a) they have been treated so as to fall within paragraph 13 or 14 of Schedule 6; and
- (b) that treatment was carried out either—

*Status: Point in time view as at 23/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (England) Order 2006. (See end of Document for details)*

- (i) in the surveillance zone on premises complying with sub-paragraph (6), or
  - (ii) outside any protection zone or surveillance zone on such premises as the Secretary of State may direct.
- (4) No person shall sell or consign for sale the milk of a susceptible animal produced on premises in a surveillance zone or any milk product produced from such milk unless—
- (a) any transport of raw milk from outside the zone and its associated protection zone to those premises complies with sub-paragraph (5); and
  - (b) those premises comply with sub-paragraph (6).
- (5) Transport of raw milk complies with this sub-paragraph if—
- (a) the vehicle was cleansed and disinfected on the premises of origin and before loading in accordance with the directions of an inspector; and
  - (b) the vehicle did not enter any other premises in a protection zone or surveillance zone where susceptible animals are kept since that cleansing and disinfection.
- (6) Premises comply with this sub-paragraph if they satisfy the following requirements—
- (a) they are authorised by a licence granted by the Secretary of State imposing such conditions as she considers necessary to ensure strict veterinary control;
  - (b) they are operated so that all milk transported to the premises—
    - (i) complies with sub-paragraph (3), or
    - (ii) is transported to the premises for treatment so that it complies with sub-paragraph (3), or
    - (iii) was produced outside the surveillance zone and its associated protection zone;
  - (c) they are operated so that milk on the premises and leaving the premises is clearly identified as eligible for sale outside the surveillance zone to the final consumer and is at all times stored and transported separately from milk and milk products which are not so eligible.

### **Collection, transport and processing of raw milk produced in a surveillance zone**

**32.**—(1) No person shall collect and transport raw milk produced on premises in a surveillance zone where susceptible animals are kept out of that surveillance zone or process any such milk unless such transport complies with sub-paragraph (2) and is carried out in a vehicle which complies with sub-paragraph (3).

- (2) Transport complies with this sub-paragraph if it is—
- (a) transport of samples of raw milk—
    - (i) to a laboratory authorised in respect of disease under article 4 of the Specified Animal Pathogens Order 1998(26), or
    - (ii) to another laboratory under the authority of a licence granted by an inspector; or
  - (b) transport to premises other than a laboratory under the authority of a licence granted by an inspector.
- (3) A vehicle complies with this sub-paragraph if it—
- (a) has been authorised to operate in the part of England in which the journey is to take place by a licence granted by the Secretary of State; and
  - (b) has been marked so as to identify the geographical area in which it is authorised to operate in accordance with the directions of the Secretary of State.

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(26) S.I. 1998/463.

(4) A licence granted under sub-paragraph (2)(b) shall specify the route to be taken and shall include a condition prohibiting the vehicle from entering any premises in the zone where susceptible animals are kept for purposes other than to load milk.

(5) Any person transporting milk under the authority of a licence granted under sub-paragraph (2)(b) shall ensure that—

- (a) the vehicle used is constructed and maintained so that there is no leakage of milk during transport and is equipped to avoid aerosol dispersion during loading and unloading;
- (b) before every loading, the vehicle is cleansed and disinfected in accordance with the directions of an inspector; and
- (c) after loading and before leaving the premises, the connection pipes, tyres, wheel cases and lower parts of the vehicle, and any spillage of milk, are cleansed and disinfected in accordance with the directions of an inspector.

(6) No person shall process milk transported under this paragraph except under the authority of a licence granted by an inspector.

### **Transport, treatment and spreading of dung and manure produced in a surveillance zone**

**33.**—(1) This paragraph applies to dung or manure—

- (a) from premises in a surveillance zone where susceptible animals are kept; or
- (b) collected from vehicles carrying susceptible animals from or within a surveillance zone.

(2) No person shall transport dung or manure to which this paragraph applies unless such transport complies with sub-paragraph (3), (5) or (7), and with sub-paragraph (10).

(3) Transport of dung or manure complies with this sub-paragraph where it is to an establishment for treatment to destroy the disease virus and under the authority of a licence granted by the Secretary of State.

(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) shall ensure that it is treated in accordance with [<sup>F8</sup>Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011].

(5) Transport of dung or manure complies with this sub-paragraph if—

- (a) the dung or manure is for spreading;
- (b) the transport is under the authority of a licence granted by an inspector; and
- (c) before grant of the licence a veterinary inspector clinically examined all susceptible animals on the premises where it was produced and was satisfied by such examination that they are not suspected of infection.

(6) No person shall spread dung or manure to which this paragraph applies unless such spreading is authorised by a licence granted by an inspector and the dung or manure—

- (a) is spread from not more than 1 metre above the ground;
- (b) if spread as a liquid, is not discharged by equipment producing a jet or spray unless the discharge point is directed downwards at an angle of not less than 45° from the horizontal; and
- (c) is immediately incorporated into the ground.

(7) Transport of dung or manure complies with this sub-paragraph if—

- (a) the dung or manure is for spreading;
- (b) the transport is under the authority of a licence granted by an inspector; and

*Status: Point in time view as at 23/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (England) Order 2006. (See end of Document for details)*

- (c) before grant of the licence a veterinary inspector clinically inspected all susceptible animals on the premises where it was produced and was satisfied that they are not suspected of infection.
- (8) No person shall spread dung or manure transported by authority of a licence granted under sub-paragraph (7) unless such spreading is authorised by a licence granted by an inspector and the dung or manure is injected into the ground.
- (9) Any licence granted under sub-paragraph (6) or (8) shall contain at least the following terms—
- (a) designation of the areas within which the dung and manure must be spread;
  - (b) designation of a distance from other premises where susceptible animals are kept within which dung or manure must not be spread.
- (10) Transport of dung or manure complies with this sub-paragraph if it is carried out in a vehicle which is—
- (a) constructed and maintained so that there is no leakage of the load during transport; and
  - (b) cleansed and disinfected after loading and before leaving the premises of origin.
- (11) After transporting dung or manure under this paragraph, the person in charge of the vehicle shall ensure it is cleansed and disinfected after unloading or spreading and before leaving the premises of destination.
- (12) The person in charge of a vehicle to be cleansed and disinfected so as to comply with sub-paragraph (10) or under sub-paragraph (11) shall ensure that such cleansing and disinfection is carried out so that—
- (a) the exterior (including the wheels and wheel arches) is not marked with mud, dung, manure or similar matter on leaving either premises;
  - (b) the interior (excluding any driver or passenger compartment) is not so marked on leaving the premises of destination; and
  - (c) any additional requirements as an inspector directs are complied with.

#### Textual Amendments

- F8** Words in [Sch. 5 para. 33\(4\)](#) substituted (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), reg. 1, [Sch. 2 para. 8\(5\)\(b\)](#)

## SCHEDULE 6

Article 27(3) and Schedule 5

### Treatments to ensure the destruction of disease virus

## PART 1

### Products of animal origin (other than fresh meat, milk and milk products)

#### Meat products

1. Meat products fall within this paragraph if they have undergone any of the following treatments or are produced from meat which has undergone those treatments—

- (a) heat treatment in a hermetically sealed container at a level of at least F<sub>0</sub>3;

- (b) heat treatment at a minimum temperature of 70°C, reached throughout the meat;
- (c) heat treatment in a hermetically sealed container to at least 60°C for a minimum of 4 hours, during which the core temperature must be at least 70°C for 30 minutes;
- (d) natural fermentation and maturation of not less than nine months, resulting in the following characteristics—
  - (i) Aw value of not more than 0.93, or
  - (ii) pH value of not more than 6.0;
- (e) heat treatment ensuring a core temperature of at least 65°C is reached for the time necessary to achieve a pasteurisation value equal to or more than 40.

### Hides and skins

2. Hides and skins fall within this paragraph if they comply with the requirements in [<sup>F9</sup>Article 36 of Regulation (EC) No. 1069/2009 and point 28(c) and (d) of Annex I to Regulation (EU) No. 142/2011].

#### Textual Amendments

- F9** Words in Sch. 6 para. 2 substituted (23.3.2011) by The Animal By-Products (Enforcement) (England) Regulations 2011 (S.I. 2011/881), reg. 1, Sch. 2 para. 8(6)(a)

### Wool, ruminant hair and pig bristles

3. Wool, ruminant hair and pig bristles fall within this paragraph if they comply with the requirements of [<sup>F10</sup>Article 36 of Regulation (EC) No. 1069/2009 and Article 24(4) of Regulation (EU) No. 142/2011].

#### Textual Amendments

- F10** Words in Sch. 6 para. 3 substituted (23.3.2011) by The Animal By-Products (Enforcement) (England) Regulations 2011 (S.I. 2011/881), reg. 1, Sch. 2 para. 8(6)(b)

### Animal products derived from susceptible animals

4. Animal products derived from susceptible animals fall within this paragraph if they have undergone one of the following treatments—

- (a) heat treatment in a hermetically sealed container at a level of at least F<sub>0</sub>3;
- (b) heat treatment in which the centre temperature is raised to at least 70°C for at least 60 minutes.

### Blood and blood products

5. Blood and blood products of susceptible animals fall within this paragraph if they are used for technical purposes (including pharmaceuticals, in vitro diagnostics and laboratory reagents) and have undergone any of the treatments referred to in [<sup>F11</sup>point 2(b)(ii) of Chapter IV of Annex XIII to Regulation (EU) No. 142/2011].

**Status:** Point in time view as at 23/03/2011.

**Changes to legislation:** There are currently no known outstanding effects for the The Foot-and-Mouth Disease (England) Order 2006. (See end of Document for details)

#### Textual Amendments

- F11** Words in Sch. 6 para. 5 substituted (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), reg. 1, **Sch. 2 para. 8(6)(c)**

#### Lard and rendered fats

6. Lard and rendered fats fall within this paragraph if they have undergone the heat treatment referred to in <sup>F12</sup>point 3(d) of Chapter I of Annex XIV to Regulation (EU) No. 142/2011] .

#### Textual Amendments

- F12** Words in Sch. 6 para. 6 substituted (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), reg. 1, **Sch. 2 para. 8(6)(d)**

#### Petfood and dog chews

7. Petfood and dog chews fall within this paragraph if they comply with the requirements of <sup>F13</sup>Chapter II of Annex XIII to Regulation (EU) No. 142/2011] .

#### Textual Amendments

- F13** Words in Sch. 6 para. 7 substituted (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), reg. 1, **Sch. 2 para. 8(6)(e)**

#### Game trophies of ungulates

8. Game trophies of ungulates fall within this paragraph if they comply with the requirements of <sup>F14</sup>Chapter VI of Annex XIII to Regulation (EU) No. 142/2011] .

#### Textual Amendments

- F14** Words in Sch. 6 para. 8 substituted (23.3.2011) by [The Animal By-Products \(Enforcement\) \(England\) Regulations 2011 \(S.I. 2011/881\)](#), reg. 1, **Sch. 2 para. 8(6)(f)**

#### Animal casings

9. Animal casings fall within this paragraph if they have been cleaned, scraped and either salted with sodium chloride for 30 days or bleached or dried after scraping and were protected from recontamination after treatment.

## PART 2

### Products not of animal origin

#### Straw and forage

10. Straw and forage falls within this paragraph if it has either—

- (a) undergone the action of—
  - (i) steam in a closed chamber for at least 10 minutes and at a minimum temperature of 80°C, or
  - (ii) formalin fumes (formaldehyde gas) produced in a chamber kept closed for at least 8 hours and at a minimum temperature of 19°C, at 35-40% concentration; or
- (b) been stored in packages or bales under shelter on premises situated not closer than 2 kilometres to the nearest infected premises and kept at such premises until at least three months have elapsed following the completion of all cleansing and disinfection in the protection zone surrounding the nearest infected premises (and in any case not before the declaration creating that protection zone has been amended in accordance with article 37 so that the protection zone becomes part of a surveillance zone).

## PART 3

### Fresh meat

#### De-boning

11. Meat (together with diaphragms but excluding offal) is deboned so that it falls within this paragraph if the bone and main accessible lymphatic glands have been removed.

#### Maturation

12. Carcasses are matured so that they fall within this paragraph if they—
- (a) have been matured at a temperature of more than 2°C for at least 24 hours; and
  - (b) have a pH value in the middle of the *Longissimus dorsi* recorded at less than 6.0.

## PART 4

### Milk and milk products

#### Milk and milk products for human consumption

13.—(1) Milk and milk products for human consumption fall within this paragraph if they have undergone one of the following treatments—

- (a) sterilisation at a level of at least F<sub>0</sub>3;
- (b) Ultra-High Temperature treatment at 132°C for at least one second;
- (c) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test (with any pasteurisation under this paragraph applied twice to milk with a pH of 7.0 or above);
- (d) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test and either—
  - (i) lowering the pH below 6.0 for at least one hour, or
  - (ii) heating to 72°C or more combined with desiccation;

(2) Milk products for human consumption fall within this paragraph if they are produced from milk which has undergone one of the treatments in sub-paragraph (1).

*Status: Point in time view as at 23/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (England) Order 2006. (See end of Document for details)*

### **Milk and milk products not intended for human consumption**

14.—(1) Milk and milk products not intended for human consumption (including whey intended for susceptible animals) fall within this paragraph if they have undergone one of the following treatments—

- (a) sterilisation at a level of at least F<sub>0</sub>3;
- (b) Ultra-High Temperature treatment at 132°C for at least one second and either—
  - (i) lowering the pH below 6.0 for at least one hour, or
  - (ii) heating to 72°C or more combined with desiccation;
- (c) High Temperature Short Time pasteurisation, applied twice, at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test;
- (d) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test and either—
  - (i) lowering the pH below 6.0 for at least one hour, or
  - (ii) heating to 72°C or more combined with desiccation.

(2) Milk products not for human consumption (other than whey intended for susceptible animals) fall within this paragraph if they are produced from milk which has been subjected to one of the treatments in sub-paragraph (1).

(3) Whey intended for susceptible animals falls within this paragraph if it is—

- (a) collected at least 16 hours after milk clotting; and
- (b) (if intended for feeding to pigs) has a recorded pH of less than 6.0 before leaving the establishment in which the milk has been treated.

## SCHEDULE 7

Article 39(1)

### Measures applicable in respect of a restricted zone

#### **Movement of susceptible animals in a restricted zone**

1.—(1) Subject to sub-paragraph (3), no person shall move a susceptible animal—

- (a) from premises within a restricted zone; or
- (b) into or out of a restricted zone,

except under the authority of a licence granted by an inspector.

(2) The person in charge of any vehicle used to move susceptible animals under such a licence shall ensure that it is cleansed and disinfected in accordance with article 45.

(3) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone, surveillance zone or vaccination zone.

#### **Slaughter of susceptible animals in a restricted zone**

2. Where a susceptible animal is moved to a slaughterhouse in a restricted zone, the occupier of the slaughterhouse shall ensure that it is slaughtered in accordance with any directions given by an inspector and in any case within 24 hours of arrival.

### **Control of products from slaughterhouses in a restricted zone**

3.—(1) No person shall move any carcase or animal product (unless intended for human consumption) or any manure, slurry or used litter from a slaughterhouse in a restricted zone except—

- (a) for disposal; or
- (b) under the authority of a licence granted by an inspector (which shall include a condition prohibiting any intermediate movement to any premises where susceptible animals are kept).

(2) Any person transporting any thing under the authority of a licence granted under sub-paragraph (1)(b) shall—

- (a) do so in a drip-proof container or vehicle, and
- (b) cleanse and disinfect the vehicle, as soon as possible after unloading and in any event before re-use, in accordance with the directions of an inspector.

(3) The occupier of premises to which any carcase or animal product is moved under this paragraph shall ensure that it is not brought into contact with, or fed to, any susceptible animal.

### **Control of carcasses in a restricted zone**

4.—(1) No person shall move any carcase of a susceptible animal (other than the carcase of an animal slaughtered for human consumption or the carcase of an animal suspected of having contracted BSE or scrapie intended for disposal) from premises in a restricted zone other than a slaughterhouse except under the authority of a licence granted by an inspector.

(2) The carcase of a deer which has been culled shall not be considered to have been slaughtered for human consumption.

### **Straying of susceptible animals in a restricted zone**

5.—(1) The keeper of a susceptible animal in a restricted zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a restricted zone.

### **Control of animal gatherings and gatherings of people in a restricted zone**

6.—(1) Subject to sub-paragraph (5), no person shall—

- (a) hold any animal gathering which includes susceptible animals in a restricted zone; or
- (b) hold any gathering of people on premises in a restricted zone in connection with the sale of any susceptible animal kept there at which more than two people (other than the owner or keeper of the animal and his representatives) are present,

except under the authority of a licence granted by the Secretary of State.

(2) Subject to sub-paragraph (5), no person shall hold or take part in the following activities in a restricted zone—

- (a) hunting any drag or other trail; or
- (b) stalking,

except under the authority of a licence granted by the Secretary of State.

(3) Subject to sub-paragraphs (4) and (5), no person shall shoot deer except under the authority of a licence granted by the Secretary of State.

*Status: Point in time view as at 23/03/2011.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (England) Order 2006. (See end of Document for details)*

(4) The occupier of any land, members of his household, persons employed by him as beaters and any member of a shooting party of not more than three persons authorised by him may shoot deer found on that land.

(5) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

#### **Shearing or dipping of sheep in a restricted zone**

7.—(1) Subject to sub-paragraphs (2) and (4), no person shall—

- (a) shear or dip sheep; or
- (b) handle fleeces or sheep during shearing or dipping,

in a restricted zone except under the authority of a licence granted by an inspector.

(2) The prohibition in sub-paragraph (1) does not apply to the occupier of any premises or his employees (other than any 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.

(3) In this paragraph—

- (a) “shearing” includes clipping and dagging; and
- (b) “dipping” includes showering and jetting sheep with sheep dip.

(4) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

#### **Ultrasound scanning of sheep in a restricted zone**

8.—(1) Subject to sub-paragraphs (2) and (3), no person shall carry out ultrasound scanning of sheep in a restricted zone except under the authority of a licence granted by an inspector.

(2) The prohibition in sub-paragraph (1) does not apply to the occupier of any premises or his employees (other than any person employed by him primarily for the purpose of carrying out ultrasound scanning of sheep) in respect of the carrying out of ultrasound scanning of sheep kept on those premises using ultrasound scanning equipment of which the occupier is the owner or person in charge.

(3) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

#### **Cleansing and disinfection of slaughterhouses in a restricted zone**

9. The occupier of any collecting centre or slaughterhouse in a restricted zone shall cleanse and disinfect the premises in accordance with the directions of an inspector as soon as is practicable after it has been emptied of animals and in any event before any susceptible animal, fodder, used litter or other thing liable to spread disease is moved there again.

### SCHEDULE 8

Article 41(1)

#### Measures applicable in respect of a wild animal infected zone

##### **Notification of dead wild susceptible animals in a wild animal infected zone**

1. Any person who kills a wild susceptible animal or finds such an animal dead in a wild animal infected zone shall notify the [<sup>F15</sup>Secretary of State] of that fact.

#### **Textual Amendments**

- F15** Words in [Sch. 8 para. 1](#) substituted (1.11.2009) by [Animal Health \(Divisional Veterinary Managers\) Order 2009 \(S.I. 2009/2713\)](#), arts. 1, 2(1), [Sch. 1](#)

#### **Record keeping in a wild animal infected zone**

2. The occupier of any premises in a wild animal infected zone where susceptible animals are kept shall create a record of the number of each species of susceptible animal kept on the premises and shall maintain that record by updating it every time that number changes.

#### **Isolation of susceptible animals in a wild animal infected zone**

3. The occupier of any premises in a wild animal infected zone where susceptible animals are kept shall ensure that—

- (a) susceptible animals are isolated as far as is reasonably practicable from contact with wild animals; and
- (b) fodder, used litter and any other material which may come into contact with susceptible animals is isolated as far as is reasonably practicable from contact with wild animals.

#### **Movement of susceptible animals in a wild animal infected zone**

4. No person shall move any susceptible animal from or to premises in a wild animal infected zone except under the authority of a licence granted by the Secretary of State.

#### **Cleansing and disinfection in a wild animal infected zone**

5.—(1) The occupier of any premises in a wild animal infected zone shall ensure that means of disinfection are provided and used at all entrances to buildings where susceptible animals are kept in accordance with the directions of an inspector.

(2) Any person coming into contact with a wild susceptible animal shall cleanse himself and launder his clothing as soon as reasonably practicable after such contact.

#### **Carcases and things which may be contaminated in a wild animal infected zone**

6. No person shall bring the following on to premises in a wild animal infected zone where susceptible animals are kept—

- (a) any carcase of a wild animal;
- (b) any material, equipment or other thing which may be contaminated.

#### **Movement of semen, ova and embryos out of a wild animal infected zone for trade**

7. No person shall move any semen, embryo or ovum of a susceptible animal out of a wild animal infected zone for the purpose of trade with another member State, Norway, Iceland or Liechtenstein.

**Status:** Point in time view as at 23/03/2011.

**Changes to legislation:** There are currently no known outstanding effects for the The Foot-and-Mouth Disease (England) Order 2006. (See end of Document for details)

## SCHEDULE 9

Article 63

## Orders revoked

| <i>Orders revoked</i>  | <i>References</i>              | <i>Extent of revocation</i>                 |
|--|--------------------------------|---|
| The Foot-and-Mouth Disease Order 1983  | S.I. <a href="#">1983/1950</a> | The Order insofar as it applies in England. |
| The Foot-and-Mouth Disease Order (Amendment) (No.2) Order 1993                 | S.I. <a href="#">1993/3119</a> | The Order insofar as it applies in England. |
| The Foot-and-Mouth Disease (Amendment) (England) Order 2001                    | S.I. <a href="#">2001/571</a>  | The whole Order                             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.2) Order 2001             | S.I. <a href="#">2001/680</a>  | The whole Order                             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.3) Order 2001             | S.I. <a href="#">2001/974</a>  | The whole Order                             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.4) Order 2001             | S.I. <a href="#">2001/1078</a> | The whole Order                             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.4) (Amendment) Order 2001 | S.I. <a href="#">2001/1241</a> | The whole Order                             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.5) Order 2001             | S.I. <a href="#">2001/1407</a> | The whole Order                             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.6) Order 2001             | S.I. <a href="#">2001/1514</a> | The whole Order                             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.7) Order 2001             | S.I. <a href="#">2001/1862</a> | The whole Order                             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.8) Order 2001             | S.I. <a href="#">2001/2238</a> | The whole Order                             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.9) Order 2001             | S.I. <a href="#">2001/2735</a> | The whole Order                             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.10) Order 2001            | S.I. <a href="#">2001/2814</a> | The whole Order                             |

| <i>Orders revoked</i>   | <i>References</i>              | <i>Extent of revocation</i> |
|---|--------------------------------|-----------------------------|
| The Foot-and-Mouth Disease (Amendment) (England) (No.11) Order 2001 | S.I. <a href="#">2001/2994</a> | The whole Order             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.12) Order 2001 | S.I. <a href="#">2001/3140</a> | The whole Order             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.13) Order 2001 | S.I. <a href="#">2001/3722</a> | The whole Order             |
| The Foot-and-Mouth Disease (Amendment) (England) (No.14) Order 2001 | S.I. <a href="#">2001/4029</a> | The whole Order             |

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, read with the Animal Health Act 1981 (c. 22, amended by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I. [1992/3293](#)), the Animal Health Act 2002, c. 42, and the Animal Health Act 1981 (Amendment) Regulations 2005 (S.I. [2005/3475](#))) (“the Act”), partially transposes for England Council Directive [2003/85/EC](#) on Community measures for the control of foot-and-mouth disease repealing Directive [85/511/EEC](#) and Decisions [89/531/EEC](#) and [91/665/EEC](#) and amending Directive [92/46/EEC](#) (OJ No. L306, 22.11.2003, p1). The other measures transposing the Directive in England are the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006 (S.I. [2006/183](#)) and the Animal Health Act 1981 (Amendment) Regulations 2005.

The Order transposes the Directive except insofar as it deals with vaccination against foot-and-mouth disease (“the disease”).

It revokes the Foot-and-Mouth Disease Order 1983 (S.I. [1983/1950](#)) insofar as it applies in England. It also revokes the amendments to that Order. Schedule 9 lists these instruments.

Part 1 of the Order contains introductory and interpretation provisions.

Part 2 makes provision for notification, suspicion and investigation of the disease.

Articles 9 and 10 provide for notification of the disease or suspicion of it. Schedule 1 contains the restrictions which apply in relation to premises under suspicion.

Article 11 relates to animals in transit which are known or suspected of infection or contamination with the disease.

Article 12 provides for veterinary investigation into the disease using the criteria in Schedule 2 to confirm the existence or absence of disease. Consequent on that investigation, article 13 allows parts of premises to be declared as separate production units, which has the effect of excusing those parts from some of the restrictions in Schedule 1. Also consequent on the investigation, article 14 requires the Secretary of State to trace the possible spread of disease and to impose the restrictions in

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*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (England) Order 2006. (See end of Document for details)*

Schedule 1 on further premises. The restrictions in Schedule 1 are maintained in relation to premises where infection with the disease is found (article 15).

Articles 16 to 18 provide for the declaration of a temporary control zone on suspicion of the disease and for the measures applying within that zone. Articles 19 and 20 provide for the declaration of a further zone supplementary to a temporary control zone (a supplementary movement control zone) and the measures applying there.

Part 3 sets out the measures applying following confirmation of the disease.

Article 21 requires the Secretary of State to trace items from infected premises which may spread disease and provides for their treatment or disposal. The Act imposes a duty on the Secretary of State to slaughter animals on infected premises, with exceptions, and confers power to slaughter other animals to prevent the spread of the disease (paragraphs 2A and 3 of Schedule 3 to the Act). Articles 22 to 30 provide for the circumstances relating to such slaughter, including the place of slaughter (article 24), movement and disposal of carcasses and faecal material (respectively articles 25 and 26), isolation of things which may spread the disease until they have been certified as free of contamination, treated or disposed of (article 27), cleansing and disinfection of the premises (articles 28 and 29 and Schedule 3) and restocking of the premises (article 30 and Schedule 4).

Articles 31 to 33 provide for the declaration of protection and surveillance zones around infected premises. In particular, article 32 provides for an outbreak in Scotland or Wales close to the border with England. Article 34 and Schedule 5 set out the measures which apply in those zones. Article 35 requires the Secretary of State to investigate every premises keeping susceptible animals in such a zone. Article 36 confers power on an inspector appointed under the Act to prohibit access to land or buildings in a protection zone. Article 37 sets out the circumstances in which protection and surveillance zones may be brought to an end.

Article 38 provides for the declaration of a restricted zone on confirmation of the disease; article 39 and Schedule 7 provide for the measures applying there.

Article 40 provides for the declaration of a wild animal infected zone on confirmation of the disease in a wild animal; article 41 and Schedule 8 provide for the measures applying there.

Part 4 makes general and supplementary provision.

Article 42 applies after specified movements and requires licences to be produced before animals are unloaded and that those licences are forwarded to the local authority.

Article 43 requires the Secretary of State to take steps to prevent spread of the disease to certain premises (such as premises keeping rare breeds).

Article 44 requires the local authority to erect signs indicating the perimeters of zones declared under the Order.

Article 45 sets out the method to be used when cleansing and disinfecting vehicles transporting susceptible animals. Article 46 requires occupiers to provide facilities, equipment and materials where cleansing and disinfection of vehicles is required on their premises.

Article 47 makes provision to maintain marks applied under the Order.

Article 48 provides for the feeding and tending of animals or poultry which cannot be moved on termination of a right of occupation because of a restriction imposed by the Order.

Articles 49 to 54 and 56 to 59 make provision related to offences and enforcement. Article 55 confers general powers on veterinary inspectors to take action to prevent spread of the disease.

Articles 60 to 62 make consequential amendment to other statutory instruments.

Article 63 revokes the statutory instruments in Schedule 9 insofar as they apply in England.

Failure to comply with this Order is an offence under section 73 of the Act.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been prepared and placed in the library of each House of Parliament, together with a

Transposition Note setting out how the main elements of Directive [2003/85/EC](#) are transposed in this Order. Copies may be obtained from the Department for Environment, Food and Rural Affairs, Exotic Disease Prevention and Control Division, 1A Page Street, London SW1P 4PQ.

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**Changes to legislation:**

There are currently no known outstanding effects for the The Foot-and-Mouth Disease (England) Order 2006.