
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 (OJNo. 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 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

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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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