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STATUTORY INSTRUMENTS

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**2006 No. 183**

**The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006**

**PART 1 U.K.**

Introduction

**Citation, application and commencement U.K.**

1.—(1) These Regulations may be cited as the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006.

(2) They apply only in England and come into force on 23rd February 2006.

**Interpretation U.K.**

2.—(1) In these Regulations—

“the Act” means the Animal Health Act 1981<sup>(1)</sup>;

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

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

“bovine animal” includes buffalo and bison;

“carcase” means the carcase of an animal and includes part of a carcase, and the meat, bones, hide, skin, hooves, offal or other part of an animal, separately or otherwise, or any portion thereof;

“disease” means foot-and-mouth disease;

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“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 [<sup>F2</sup>as defined in Article 3(51) of Regulation EU 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products];

“identification marked” means bearing the identification mark required by article 5(1) of Regulation (EC) No. 853/2004 of the European Parliament and the Council laying down

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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 (Amendment) Regulations 2005 (S.I. 2005/3475).

(2) S.I. 2005/2002.

specific hygiene rules for food of animal origin<sup>(3)</sup> and the expression “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 premises” means any premises declared to be infected premises under article 12(12) of the Order;

“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;

“inspector” means an inspector appointed under the Act;

“local authority” has the meaning given by section 50(1) of the Act;

“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;

“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, whey, yoghurt 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;

“the Order” means the Foot-and-Mouth Disease (England) Order 2006<sup>(4)</sup>;

“overstamped” means, in relation to a health marked or identification marked item, bearing a an additional diagonal cross consisting of two straight lines intersecting at the centre of the health 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);

“phase 1” means, in respect of a vaccination zone, the period of time commencing with the declaration of that vaccination zone and ending with a declaration under regulation 15(2);

“phase 2” means, in respect of a vaccination zone, the period of time commencing with the end of phase 1 and ending with a declaration under regulation 15(3);

“phase 3” means, in respect of a vaccination zone, the period of time commencing with the end of phase 2 and ending with a declaration under regulation 15(5);

“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) of the Order;

“protective vaccination” means vaccination carried out on premises in a vaccination zone to protect susceptible animals within that zone against airborne spread or spread through fomites of the disease virus, where the vaccinated animals are not intended to be slaughtered to prevent the spread of disease;

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<sup>(3)</sup> 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).

<sup>(4)</sup> S.I. 2006/182.

“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;

“reactor premises” means premises declared to be reactor premises under regulation 25(3)(b);

“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—

(c) is approved or conditionally approved [<sup>F3</sup>in accordance with Regulation EU 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products], or

(d) 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<sup>(5)</sup> or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995<sup>(6)</sup>;

“slaughter” means any process which causes the death of an animal;

“suppressive vaccination” means vaccination carried out on premises or in an area where there is an urgent need to prevent the spread of disease outside the premises or area by reducing the quantity of circulating disease virus there, where the vaccinated animals are intended for slaughter to prevent the spread of disease;

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

“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);

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

“vaccinate” means treat a susceptible animal with hyperimmune serum or vaccine against disease and “vaccination”, “vaccinated” and “unvaccinated” shall be construed accordingly;

“vaccination surveillance zone” means a vaccination surveillance zone declared under regulation 12(1), 13(2) or 13(3);

“vaccination zone” means a vaccination zone declared under regulation 12(1);

“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;

“veterinary inspector” means a veterinary inspector appointed under the Act.

(2) In these Regulations “specified for vaccination” means specified as an animal required to be vaccinated in a decision to undertake a vaccination programme made in accordance with regulation 9.

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(5) S.I. 1995/539, revoked by S.I. 2005/2059.

(6) S.I. 1995/540, revoked by S.I. 2005/2059.

(3) References in these Regulations to “animals originating in”, in respect of a vaccination zone mean—

- (a) animals kept in the vaccination zone after declaration of the zone; and
- (b) animals which were kept within the boundaries of the vaccination zone at any time during the period—
  - (i) beginning 21 days before the declaration of the vaccination zone, and
  - (ii) ending with that declaration,
 and the expression “susceptible animals originating in” shall be construed accordingly.

#### Textual Amendments

- F1** Words in reg. 2(1) deleted (1.11.2009) by [Animals \(Divisional Veterinary Managers\) Regulations 2009 \(S.I. 2009/2712\)](#), regs. 1, **3(2)**
- F2** Words in reg. 2(1) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) Regulations 2019 \(S.I. 2019/1488\)](#), regs. 1(1), **19(2)(a)**
- F3** Words in reg. 2(1) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) Regulations 2019 \(S.I. 2019/1488\)](#), regs. 1(1), **19(2)(b)**

### Premises comprising common or unenclosed land **U.K.**

3. For the purposes of these Regulations—
- (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 **U.K.**

- 4.—(1) Licences granted under these Regulations—
- (a) shall be in writing;
  - (b) may, in addition to any conditions required by these Regulations, 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 these Regulations is valid for that purpose in England and its conditions apply in England as if it was a licence granted under these Regulations.
- (3) Declarations under these Regulations shall be in writing.
  - (4) Any amendment or revocation of a declaration shall be made by further declaration.

## Notices **U.K.**

- 5.—(1) Notices issued under these Regulations—
- (a) shall be in writing; and
  - (b) 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 **U.K.**

6.—(1) The Secretary of State shall take all 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 these Regulations;
  - (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 **U.K.**

7. Disinfection under these Regulations shall be carried out with a disinfectant which is—
- (a) approved for use for the purpose these Regulations and the Order by the Diseases of Animals (Approved Disinfectants) Order 1978(7);
  - (b) used at the concentration specified in that Order; and
  - (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 **U.K.**

### The vaccination programme

## Prohibition on vaccination except under licence **U.K.**

8.—(1) Subject to paragraph (2), no person shall vaccinate an animal except under the authority of a licence granted by the Secretary of State permitting suppressive vaccination or protective vaccination.

- (2) Paragraph (1) does not apply to—

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(7) S.I. 1978/32, amended by S.I. 2006/182; there are other amending instruments but none is relevant.

- (a) anything done under the authority of a licence granted under article 4 of the Specified Animal Pathogens Order 1998<sup>(8)</sup>; or
- (b) the administration of a vaccine in accordance with an animal test certificate granted under regulation 8 of the Veterinary Medicines Regulations 2005<sup>(9)</sup>.

**Factors informing a decision to permit suppressive vaccination or protective vaccination** **U.K.**

9.—(1) The Secretary of State shall take into account the following factors in deciding whether to permit suppressive vaccination or protective vaccination—

- (a) the risk of an outbreak of disease—
  - (i) in the United Kingdom becoming widespread in any part of the country,
  - (ii) spreading to England with imported susceptible animals, carcasses or other things liable to spread disease,
  - (iii) spreading from England with exported susceptible animals, carcasses or other things liable to spread disease, or
  - (iv) spreading to or from England because of the prevailing meteorological conditions;
- (b) any threat from disease to animals in—
  - (i) 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,
  - (ii) premises not falling within (a) of a body, institute or centre which—
    - (aa) 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
    - (bb) is approved in relation to those animals under regulation 9 of the Animals and Animal Products (Import and Export) (England) Regulations 2005,
  - (iii) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources;
- (c) the criteria in Annex X of 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>(10)</sup><sup>[F4</sup> with the reference to “Member States” in paragraph 3.1 in Annex X being read as a reference to the Secretary of State];
- (d) other means of preventing the spread of disease available to her;
- (e) in the case of suppressive vaccination, whether such vaccination is necessary urgently to prevent the spread of disease from premises or a geographical area by reducing the quantity of circulating disease virus there; and
- (f) in the case of protective vaccination—
  - (i) whether such vaccination in the proposed vaccination zone will protect susceptible animals in that zone against airborne spread or spread through fomites of the disease virus, and

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<sup>(8)</sup> S.I. 1998/463.

<sup>(9)</sup> S.I. 2005/2745.

<sup>(10)</sup> OJ No. L306, 22.11.2003, p1.

(ii) the effect of the measures which would apply in the vaccination zone and vaccination surveillance zone on persons and animals there.

(2) Where, having taken those factors into account, the Secretary of State considers that permitting suppressive vaccination or protective vaccination is the most appropriate means of preventing the spread of disease, she shall undertake a vaccination programme.

(3) If the Secretary of State decides to undertake a vaccination programme she shall grant a licence permitting suppressive vaccination or protective vaccination.

#### Textual Amendments

**F4** Words in reg. 9(1)(c) inserted (31.12.2020) by The Exotic Disease (Amendment) (England) (EU Exit) Regulations 2018 (S.I. 2018/1406), regs. 1, 3(2); 2020 c. 1, Sch. 5 para. 1(1)

#### Form of the decision to undertake a vaccination programme **U.K.**

**10.**—(1) The decision to undertake a vaccination programme shall be given in writing.

(2) The decision shall contain the following information about the vaccination programme—

- (a) whether it is a programme of suppressive or of protective vaccination;
- (b) the place or geographical area where it is to be undertaken;
- (c) specification of the animals she requires to be vaccinated (including their species and age);
- (d) the intended duration of the programme;
- (e) notification of the prohibition on movement of animals and animal products in regulation 18(2);
- (f) the form of the eartag to be affixed and records to be made under regulation 19(3);
- (g) the person who will carry out the programme;
- (h) such other information as the Secretary of State considers necessary to inform those who may be affected by the vaccination programme.

(3) Any decision of the Secretary of State which results in a change to the information in paragraph (2) shall also be given in writing.

(4) The Secretary of State shall take such steps as she considers fit to bring a decision referred to in paragraph (1) or (3) to the attention of those who may be affected by it.

#### Licences permitting suppressive vaccination or protective vaccination **U.K.**

**11.**—(1) No licence permitting suppressive vaccination shall authorise vaccination outside a protection zone.

(2) No licence permitting protective vaccination shall authorise vaccination in a vaccination surveillance zone.

#### Declaration of a vaccination zone and of a vaccination surveillance zone on protective vaccination in England **U.K.**

**12.**—(1) If she decides to undertake a programme of protective vaccination, the Secretary of State shall at the same time declare any place or geographical area where it is to be undertaken to be a vaccination zone and shall also declare a vaccination surveillance zone.

(2) A declaration under paragraph (1) shall designate—

- (a) the extent of the vaccination zone; and

(b) the extent of the vaccination surveillance zone.

(3) A vaccination surveillance zone declared under paragraph (1) shall extend from the vaccination zone for at least ten kilometres and otherwise shall be of such size as the Secretary of State considers fit to prevent the spread of disease.

(4) If she decides to vary the place or geographical area where a programme of protective vaccination is to be undertaken, the Secretary of State shall amend the declaration under paragraph (1) so that the vaccination zone comprises the place or geographical area as varied.

### **Declaration of a vaccination surveillance zone on protective vaccination in Scotland or Wales** **U.K.**

**13.**—(1) This regulation applies where a programme of protective vaccination is to be undertaken in Scotland or Wales.

(2) Where this regulation applies and any part of the programme of protective vaccination is to be undertaken within ten kilometres of the border with England, the Secretary of State shall declare a vaccination surveillance zone.

(3) Where this regulation applies and a zone having equivalent effect to a vaccination surveillance zone has been declared in Scotland or Wales abutting the border with England, the Secretary of State may declare a vaccination surveillance zone.

(4) Subject to paragraph (5), a vaccination surveillance zone declared under this regulation shall be of such size as the Secretary of State thinks fit to prevent the spread of disease.

(5) A declaration under this regulation shall specify the extent of the vaccination surveillance zone and the Secretary of State shall ensure that any such zone—

- (a) abuts the border with Scotland or Wales, as the case may be; and
- (b) extends from that border such that its boundary is at least ten kilometres from the perimeter of any zone having equivalent effect to a vaccination zone in Scotland or Wales, as the case may be.

### **Vaccination zones and vaccination surveillance zones: general provisions** **U.K.**

**14.**—(1) Any premises which are partly inside and partly outside a vaccination zone shall be deemed to be wholly within it.

(2) Any premises which are partly inside and partly outside a vaccination surveillance zone shall be deemed to be wholly within it (except premises which are also partly within a vaccination zone).

(3) An area shall remain a vaccination zone or a vaccination surveillance zone (or part of one) until the Secretary of State—

- (a) amends the declaration creating it so as to exclude that area or;
- (b) revokes that declaration.

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

### **Time phases and measures applicable in respect of a vaccination zone** **U.K.**

**15.**—(1) Subject to regulation 26, the provisions of the Schedule apply in respect of a vaccination zone in addition to any requirements or restrictions applying in any part of it because that part falls within a protection zone or a surveillance zone.

(2) After 30 days have elapsed since all animals in a vaccination zone specified for vaccination in a decision to undertake a programme of protective vaccination have been vaccinated, the Secretary



of State may declare the end of phase 1 and the commencement of phase 2 and the declaration shall specify the date and time it is to take effect.

(3) On completion of the measures in sub-paragraphs (a) to (d) of regulation 26 in every reactor premises in a vaccination zone, the Secretary of State shall declare the end of phase 2 and the commencement of phase 3 and the declaration shall specify the date and time it is to take effect.

(4) Notwithstanding paragraph (3), the Secretary of State may, before completion of those measures in every reactor premises, serve a notice on the occupier of any premises classified as free of disease under regulation 25(3) stating that those premises shall enter phase 3 and phase 3 shall be deemed to have commenced in respect of those premises on such service.

(5) The Secretary of State may declare the end of phase 3 when she is satisfied that disease has been eradicated in England.

### Measures applying in a vaccination surveillance zone **U.K.**

**16.**—(1) No person shall move any susceptible animal within or out of a vaccination surveillance zone except—

- (a) movement wholly within the premises on which it is kept; or
- (b) under the authority of a licence granted by the Secretary of State.

(2) This regulation applies in addition to any requirements or restrictions applying in any part of a vaccination surveillance zone because that part falls within a protection zone or a surveillance zone.

### Extension of the power to cause vaccination **U.K.**

**17.** Notwithstanding section 16(1) of the Act, the Secretary of State may cause vaccination of animals which do not fall within that section where they are in a vaccination zone and the following provisions of the Act apply as if such vaccination was carried out in exercise of the power in section 16(1)—

- (a) the remainder of section 16(**11**) (treatment after exposure to infection);
- (b) section 16A(**12**) (slaughter of vaccinated animals); and
- (c) section 62A(**13**) (slaughter: power of entry).

### Facilitation of vaccination **U.K.**

**18.**—(1) The keeper of any animal specified in a decision to undertake a vaccination programme shall, when required by an inspector or a person acting at his direction—

- (a) state (if required, in writing) the species, ages, and numbers of the animals for which he is responsible; and
- (b) submit any such animal for vaccination at such time and in such place as required by that inspector or that person.

(2) Except under the authority of a licence granted by the Secretary of State, no person shall move from any premises where animals are specified in a decision to undertake a vaccination programme are kept—

- (a) any animal; or
- (b) any animal product produced on the premises from a susceptible animal,

before all the animals so specified have been vaccinated.

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(11) Section 16 was amended by the Animal Health Act 2002 (c. 42), section 7.

(12) Section 16A was inserted by the Animal Health Act 2002 (c. 42), section 5.

(13) Section 62A was inserted by the Animal Health Act 2002 (c. 42), section 8.

### Identification of vaccinated animals **U.K.**

**19.**—(1) The Secretary of State shall provide every person issued with a licence permitting suppressive vaccination or protective vaccination with sufficient eartags for every animal which may be vaccinated under that licence.

(2) Each eartag shall carry such information as the Secretary of State considers necessary to identify the animal to which it is affixed as a vaccinated animal.

(3) Any person vaccinating an animal shall—

- (a) identify it immediately after vaccination by affixing an eartag;
- (b) make a written record of that vaccination containing the following information—
  - (i) the date,
  - (ii) the place, and
  - (iii) a description of the animal;
- (c) ensure that the Secretary of State and the keeper of the animal receive a copy of that record; and
- (d) retain that record for a period of six years.

(4) Records shall be in a form approved by the Secretary of State.

(5) Every person provided with eartags under this regulation shall return unused eartags to the Secretary of State on demand and without delay.

### Marking of cattle passports **U.K.**

**20.**—(1) This paragraph applies to any animal specified for vaccination which is issued with—

- (a) a cattle passport under the Cattle Passports Order 1996<sup>(14)</sup>;
- (b) a cattle passport under the Cattle Identification Regulations 1998<sup>(15)</sup>; or
- (c) a registration certificate under the Cattle (Identification of Older Animals) Regulations 2000<sup>(16)</sup>.

(2) If the keeper of any animal to which this paragraph applies has its cattle passport or registration certificate in his possession at the time of vaccination he shall give it to the person carrying out the vaccination at that time.

(3) The person carrying out the vaccination shall ensure that any cattle passport or registration certificate given to him at the time of vaccination is—

- (a) marked at that time to indicate that the animal has been vaccinated; and then
- (b) returned to the keeper.

(4) If the cattle passport or registration certificate of any animal is not in the possession of its keeper at the time of vaccination, the Secretary of State shall serve a notice on that keeper requiring him to submit it to the Secretary of State without delay on its return to his possession for marking to indicate that the animal has been vaccinated.

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<sup>(14)</sup> S.I. 1996/1686. Revoked by the Cattle Identification Regulations 1998 (S.I. 1998/871) which provide, in regulation 36, that the requirements of the revoked Order for animals born after 1st July 1996 relating to cattle passports continue to apply as if they were requirements under those Regulations.

<sup>(15)</sup> S.I. 1998/871, to which there are amendments not relevant to these Regulations.

<sup>(16)</sup> S.I. 2000/2976, to which there are amendments not relevant to these Regulations.

### Removal of eartags and missing eartags **U.K.**

21.—(1) No person shall intentionally remove an eartag affixed under regulation 19(3) unless it is removed to prevent unnecessary pain and suffering.

(2) If the keeper of a vaccinated animal removes its eartag in accordance with paragraph (1) or discovers that its eartag is missing he shall notify the Secretary of State in writing without delay.

(3) On receipt of a notification under this regulation, the Secretary of State shall—

(a) arrange for a new eartag to be affixed to the vaccinated animal; or

(b) if affixing an eartag would cause unnecessary pain and suffering, arrange for the animal to be identified as vaccinated by applying a permanent indelible mark.

(4) Any person who knows or suspects that an animal has been vaccinated but is not bearing an eartag or a mark applied under paragraph (3)(b) shall immediately notify the keeper of that animal and the [<sup>F5</sup>Secretary of State] .

#### Textual Amendments

F5 Words in reg. 21(4) substituted (1.11.2009) by [Animals \(Divisional Veterinary Managers\) Regulations 2009 \(S.I. 2009/2712\)](#), regs. 1, 3(3)

### Sale and slaughter of vaccinated animals **U.K.**

22. No person shall sell a vaccinated animal or send such an animal for slaughter unless it bears an eartag affixed under these Regulations, or a mark applied under regulation 21(3)(b).

### Failure to vaccinate animals specified for vaccination **U.K.**

23.—(1) Any person (other than an inspector) who knows or suspects that an animal has been specified for vaccination but was not vaccinated at the time when it should have been shall immediately notify the keeper of that animal and the [<sup>F6</sup>Secretary of State] .

(2) If an inspector suspects that an animal has been specified for vaccination but was not vaccinated at the time when it should have been he shall arrange for that animal to be vaccinated as soon as is reasonably practicable (but not sooner than 21 days after the date it should have been vaccinated).

#### Textual Amendments

F6 Words in reg. 23(1) substituted (1.11.2009) by [Animals \(Divisional Veterinary Managers\) Regulations 2009 \(S.I. 2009/2712\)](#), regs. 1, 3(3)

### Carcases of animals specified for vaccination **U.K.**

24.—(1) If an inspector knows or suspects that a carcase is of a vaccinated animal and is intended for sale (whether before or after processing into any animal product) but is not being dealt with as the carcase of a vaccinated animal he may serve a notice on the person in charge of the carcase requiring him to arrange for its disposal.

(2) If an inspector knows or suspects that a carcase is of an animal specified for vaccination which has not been vaccinated and is intended for sale (whether before or after processing into any animal product), he shall serve a notice on the person in charge of the carcase requiring him to deal with it at all times as if it was the carcase of a vaccinated animal.

## **Survey and classification of premises during phase 2** **U.K.**

**25.**—(1) The Secretary of State shall ensure that during phase 2 a clinical and serological survey of all premises in the vaccination zone where susceptible animals are kept is carried out in accordance with the method set out in paragraph (2).

(2) The method referred to in paragraph (1) is that all susceptible animals in the vaccination zone are clinically inspected, and either—

- (a) testing for infection with the disease virus by an assay for antibodies against non-structural proteins of the disease virus is carried out on a selection of susceptible animals, or
- (b) testing for antibodies against non-structural proteins of the disease virus is carried out on samples from all vaccinated animals and their unvaccinated offspring.

(3) The Secretary of State shall ensure that during phase 2 all premises in the vaccination zone where susceptible animals are kept are classified according to the outcome of the survey referred to in paragraph (1) and the criteria in Schedule 2 of the Order—

- (a) as infected premises, where the premises contain at least one susceptible animal in which the presence of the disease virus is confirmed;
- (b) as reactor premises, where the premises contained at least one susceptible animal suspected of being infected but where further testing including all susceptible animals on the premises confirmed the absence of circulating disease virus; or
- (c) as free of disease.

(4) Where premises are classified as reactor premises under paragraph (3)(b), the Secretary of State shall serve a notice on the occupier declaring the premises to be reactor premises.

(5) Where premises are classified as free of disease under paragraph (3)(c), the Secretary of State shall serve a notice on the occupier declaring the premises to be free of disease.

## **Measures applicable to reactor premises** **U.K.**

**26.** The following measures apply to reactor premises—

- (a) the Secretary of State shall ensure that susceptible animals which have tested positive to at least one of the tests in regulation 25(2) are slaughtered on the holding;
- (b) the Secretary of State may by notice served on the occupier direct that other susceptible animals on the premises shall be slaughtered;
- (c) the occupier shall dispose of the carcasses of any susceptible animals slaughtered on the premises in accordance with the directions of an inspector;
- (d) the Secretary of State shall ensure that the premises are cleansed and disinfected in accordance with Schedule 3 of the Order;
- (e) no person shall restock the premises except under the authority of a licence granted by the Secretary of State and in accordance with Schedule 4 of the Order.

## **Duty of the local authority to erect signs** **U.K.**

**27.** The local authority shall ensure that the boundaries of every vaccination zone and vaccination surveillance zone 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, as soon as is reasonably practicable after declaration of the zones.

### Trade in vaccinated animals **U.K.**

**28.** No person shall send any vaccinated animal for trade with [<sup>F7</sup>a] member State, Norway, Iceland or Liechtenstein.

#### Textual Amendments

- F7** Word in reg. 28 substituted (31.12.2020) by *The Exotic Disease (Amendment) (England) (EU Exit) Regulations 2018 (S.I. 2018/1406)*, regs. 1, **3(3)**; 2020 c. 1, Sch. 5 para. 1(1)

## PART 3 **U.K.**

### General and supplementary provisions

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

**29.** Where cleansing and disinfection of vehicles is required at any premises by or under these Regulations, 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 these Regulations **U.K.**

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

#### Change of occupation of premises under restriction **U.K.**

**31.**—(1) This regulation 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 these Regulations and continues to apply for seven days after the last restriction is removed.

(2) Where this regulation 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 regulation, or providing facilities for feeding, tending or otherwise using it under this regulation.

#### Reasonable assistance **U.K.**

**32.** Any person required to give reasonable assistance or information to a person acting under these Regulations for the performance of his functions under them shall, unless he has reasonable cause, do so without delay.

### **False information** U.K.

**33.** No person shall furnish information which he knows to be false or misleading to a person acting under these Regulations.

### **Production of records** U.K.

**34.**—(1) Any person required to produce a record by a person acting under these Regulations shall do so without delay.

- (2) On production, a person acting in the execution of these Regulations may—
- (a) copy any records, in whatever form they may be held; or
  - (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 regulation shall give a written receipt for them.

### **Compliance with notices and directions** U.K.

**35.**—(1) Any notice served under these Regulations 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 these Regulations 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.

### **Powers of inspectors** U.K.

**36.**—(1) —The following provisions of the Act apply as if these Regulations were an Order made under the Act and as if the definition of animal in section 87 of the Act was extended to comprise every susceptible animal—

- (a) section 63 (general powers of inspectors);
  - (b) section 64A(17) (powers of inspectors relating to Community obligations); and
  - (c) section 65(1) to (3) (power to detain vessels and aircraft).
- (2) Section 65A of the Act(18) (inspection of vehicles) applies as if—
- (a) these Regulations were an Order under the Act;
  - (b) the definition of animal in section 87 of the Act was extended to comprise every susceptible animal; and
  - (c) every vaccination zone and vaccination surveillance zone was designated for the duration of its existence for the purposes of that section.

### **Offences and proceedings** U.K.

**37.**—(1) The following provisions of the Act apply as if these Regulations were an Order made under the Act—

- (a) section 60(19) (duties and authorities of constables);
- (b) section 66 (refusal and obstruction);
- (c) section 67 (issue of false licences etc.);

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(17) Section 64A was inserted by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I. 1992/3293), regulation 2.

(18) Section 65A was inserted by the Animal Health Act 2002 (c. 42), section 10.

(19) Section 60 was amended by the Animal Health Act 2002 (c. 42), section 11.

- (d) section 68 (issue of licences etc. in blank);
- (e) section 71 (other offences as to licences);
- (f) section 71A(20), (prosecutions: time limit);
- (g) section 73 (general offences);
- (h) section 77 (money recoverable summarily); and
- (i) section 79(1) to (4) (evidence and procedure),

and as if the definition of animal in section 87 of the Act was extended to comprise every susceptible animal.

(2) Section 69 of the Act (falsely obtaining licences etc.) applies as if licences granted under these Regulations were granted under an Order made under the Act.

(3) Section 75 of the Act(21) (penalties for certain summary offences) applies as if these Regulations were an Order made under the Act except that any term of imprisonment on summary conviction shall not exceed three months.

#### **Production of licences** U.K.

**38.** — Every person issued with a licence under these Regulations shall, while executing the licensed activity, carry the licence and produce it to an inspector on demand.

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

**39.**—(1) This regulation applies to every vaccination zone and vaccination surveillance zone.

(2) Where this regulation 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 or other place in accordance with Schedule 3 to the Order by serving a notice requiring such action on the occupier of those premises or that place;
- (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 regulation 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** U.K.

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

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(20) Section 71A was inserted by the Animal Health Act 2002 (c. 42), section 14.

(21) Section 75 was amended by the Animal Health Act 2002 (c. 42), section 13.

(2) Where a person acts in contravention of a requirement imposed by or under these Regulations, 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 these Regulations.

(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** **U.K.**

**41.**—(1) If an offence committed by a body corporate is shown—

- (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** **U.K.**

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

- (a) a vaccination zone; or
- (b) a vaccination surveillance 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** **U.K.**

**43.**—(1) Subject to paragraphs (2) and (3), these Regulations shall be enforced by the local authority.

(2) These Regulations 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 these Regulations shall be discharged by the Secretary of State and not by the local authority.

[<sup>F8</sup>(4) For the purposes of paragraph (2) or where the Secretary of State makes a direction under paragraph (3), the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under section 73 of the Act relating to these Regulations.]



**Textual Amendments**

- F8** Reg. 43(4) added (24.12.2012) by The Agriculture, Animals, Environment and Food etc. (Miscellaneous Amendments) Order 2012 (S.I. 2012/2897), arts. 1(1), **9**

**Revocations** **U.K.**

- 44.** The following instruments are revoked—
- (a) the Foot-and-Mouth Disease (Infected Areas) (Vaccination) Order 1972(**22**) (insofar as the Order applies in England); and
  - (b) the Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2001(**23**).

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

**Changes to legislation:**

There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006.