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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

#### Introduction

#### Citation, application and commencement

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

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;

“Divisional Veterinary Manager” means the Divisional Veterinary Manager of the State Veterinary Service for the area in which premises are located;

“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>(3)</sup> and the expression “health mark” shall be construed accordingly;

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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.

(3) 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).

“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 specific hygiene rules for food of animal origin<sup>(4)</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>(5)</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

(4) 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).

(5) S.I. 2006/182.

of the disease virus, where the vaccinated animals are not intended to be slaughtered to prevent the spread of disease;

“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 under article 31(2) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of feed and food law, animal health and animal welfare rules(6), 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(7) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(8);

“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, vicuña, 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.

(6) 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).

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

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

(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.

(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.

### **Premises comprising common or unenclosed land**

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**

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**

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**

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**

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<sup>(9)</sup>;
- (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.

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

**Status:**

Point in time view as at 23/02/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006, PART 1.