

2007 No. 2808

ANIMALS, ENGLAND

ANIMAL HEALTH

The Bluetongue (Amendment) (No. 2) Order 2007

Made - - - - 24th September 2007

Coming into force - - 25th September 2007

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(a) and it appears to the Secretary of State that it is expedient for the reference to Commission Decision 2005/393/EC on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones(b) to be construed as a reference to that instrument as amended from time to time.

The Secretary of State makes the following Order in exercise of the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972(c) and sections 1, 8(1), 17(1) and 35 of the Animal Health Act 1981(d) and now vested in him(e).

Citation and commencement

1. This Order—

- (a) may be cited as the Bluetongue (Amendment) (No 2) Order 2007; and
- (b) comes into force on 25th September 2007.

Amendment

2. The Bluetongue Order 2003(f) is amended in accordance with the Schedule.

Revocation

3. The Bluetongue (Amendment) Order 2007(g) is revoked.

(a) 1972 c.68.

(b) OJ L 130, 24.5.2005, p.22, as last amended by Commission Decision 2007/28/EC, OJ L8, 13.1.2007, p. 51.

(c) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(d) 1981 c. 22; section 35 is amended by section 1 of the Animal Health and Welfare Act 1984 (c. 40) and section 2(2) of the Animal Health Act 2002 (c. 42).

(e) Functions conferred under the 1981 Act on “the Minister” and “the Ministers” are now exercisable by the Secretary of State. Functions of “the Ministers” 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). Functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(f) S.I. 2003/130.

(g) S.I. 2007/2624.

SCHEDULE 1

Article 2

Amendments to the Bluetongue Order 2003

1. In article 8(1)—
 - (a) in sub-paragraph (a), omit “carcase,”; and
 - (b) omit sub-paragraph (f).
2. For articles 10, 11 and 12 substitute—

“Measures when disease is confirmed

10.—(1) On confirmation by the Chief Veterinary Officer of bluetongue on premises in England, the Secretary of State shall declare an area to be a control zone.

(2) A control zone declared under paragraph (1) shall—

- (a) be centred on the outbreak point; and
- (b) subject to paragraphs (3) and (4), have a radius of 20 kilometres.

(3) Where this article requires the Secretary of State to declare a control zone and the area of that zone would include land in Wales or Scotland, he shall declare a zone of such part of that area as is in England.

(4) The Secretary of State may extend or reduce the area of a control zone having regard to such—

- (a) epidemiological;
- (b) geographical;
- (c) ecological; or
- (d) meteorological,

factors as he considers relevant.

(5) No person may move an animal to or from premises in a control zone, except in accordance with a licence granted by an inspector.

(6) An inspector may only grant a licence under paragraph (5) in respect of a movement which is permitted under the Commission Decision.

(7) The terms and conditions of such a licence shall be such as to ensure that the movement is made in accordance with the Commission Decision.

(8) In this article—

- (a) “the Commission Decision” means Commission Decision 2005/393/EC on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones, as amended from time to time; and
- (b) “the outbreak point” means the part of the infected premises from which the Secretary of State considers the control zone should be measured.

Restrictions in protection and surveillance zones

11.—(1) On confirmation by the Chief Veterinary Officer of bluetongue on premises in England—

- (a) the Secretary of State—
 - (i) shall declare an area to be a protection zone, and
 - (ii) may declare an area to be a surveillance zone; and
- (b) paragraphs (2) to (5) apply to such zones.

(2) No person may move an animal out of the protection zone or the surveillance zone, except in accordance with a licence granted by an inspector.

(3) An inspector may only grant a licence under paragraph (2) in respect of a movement which is permitted under the Commission Decision.

(4) The terms and conditions of such a licence shall be such as to ensure that the movement is made in accordance with the Commission Decision.

(5) Where a protection zone or a surveillance zone would cover an area which includes land in Wales or Scotland, the Secretary of State shall declare a protection zone and may declare a surveillance zone of such part of the area as is in England.

(6) In this article, “the Commission Decision” has the same meaning as it has in article 10.

Powers of inspectors and officers in protection and surveillance zones

12.—(1) Where a protection zone or a surveillance zone has been declared under article 11, veterinary inspectors and officers authorised by the Secretary of State shall have the powers they have under article 9 in respect of premises within the protection zone or the surveillance zone.

- (2) A veterinary inspector may also—
 - (a) require the occupier of premises in a protection zone or the keeper of any animal on such premises to allow the vaccination of any animal kept there; and
 - (b) require the occupier or keeper—
 - (i) to retain animals for use as sentinel animals, or
 - (ii) to allow the introduction of sentinel animals onto those premises.

Disease in Scotland and Wales

12A. On confirmation by the Chief Veterinary Officer of bluetongue on premises in Scotland, Wales or Northern Ireland, the Secretary of State may declare an area to be a control zone, a protection zone or a surveillance zone in England.

Declarations of zones

12B. Declarations of control zones, protection zones and surveillance zones under articles 10, 11 or 12A—

- (a) must be in writing;
- (b) may be amended by further declaration at any time;
- (c) must designate the extent of the zone being declared; and
- (d) may only be revoked by further declaration.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Bluetongue Order 2003, S.I. 2003/130 (“the 2003 Order”), which implements Council Directive 2000/75 laying down specific provisions for the control and eradication of bluetongue (OJ No. L327, 22.12.2000, p. 74).

It also revokes the Bluetongue (Amendment) Order 2007, S.I. 2007/2624, which was to come into force on 28th September 2007. This Order is in substantially the same terms as the Bluetongue (Amendment) Order 2007.

Paragraph 1 of the Schedule amends article 8 of the 2003 Order by omitting the provisions relating to carcasses.

Paragraph 2 of the Schedule replaces articles 10 to 12 of the 2003 Order with new provisions, articles 10 to 12B, concerning zones to be declared by the Secretary of State in the event of the confirmation of bluetongue.

New article 10 contains provisions relating to control zones with a radius of 20 kilometres centred on the outbreak point. (The term “the outbreak point” is defined in new article 10(8)). The Secretary of State may extend or reduce the size of a control zone. The movement of animals to or from premises in a control zone is prohibited except in accordance with a licence granted by an inspector.

New article 11 contains provisions relating to protection zones and surveillance zones declared by the Secretary of State. The movement of animals out of a protection zone or surveillance zone is prohibited except in accordance with a licence granted by an inspector.

New article 12 contains provisions relating to the powers of inspectors in protection and surveillance zones.

New article 12A enables the Secretary of State to declare control, protection or surveillance zones in the event of an outbreak of bluetongue in Scotland, Wales or Northern Ireland. New article 12B contains provisions about declarations of zones.

No impact assessment has been prepared for this Order as no impact on the private or voluntary sectors is foreseen.

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