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STATUTORY INSTRUMENTS

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**2008 No. 962**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Bluetongue Regulations 2008**

<i>Made</i>	- - - -	<i>2nd April 2008</i>
<i>Laid before Parliament</i>		<i>4th April 2008</i>
<i>Coming into force</i>	- -	<i>26th April 2008</i>

The Secretary of State is designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for the reference to Commission Regulation (EC) No. 1266/2007 (on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain species of susceptible animals in relation to bluetongue<sup>(3)</sup>) to be construed as a reference to that Regulation as amended from time to time.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and paragraph 1A of Schedule 2 to that Act<sup>(4)</sup>.

**PART 1**

**Introduction**

**Title, application and commencement**

1. These Regulations may be cited as the Bluetongue Regulations 2008; they apply in England and come into force on 26th April 2008.

**Interpretation**

2.—(1) In these Regulations—

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(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) OJ No L 283, 27.10.2007, p 37.

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

*Status: Point in time view as at 20/12/2023.*

*Changes to legislation: There are currently no known outstanding effects for the The Bluetongue Regulations 2008. (See end of Document for details)*

“animal” means a ruminating animal [<sup>F1</sup>or a camelid;]

[<sup>F2</sup>“border control post” means a place designated by the competent authority for the performance of official controls under [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 ;]

[<sup>F3</sup>“carcase” means the carcase of an animal;]

“control zone” means a zone referred to in regulation 12;

[<sup>F4</sup>“germinal product” means the embryo, ovum or semen of an animal;]

[<sup>F5</sup>“inactivated vaccines” means vaccines that are not live attenuated vaccines;]

“infected premises” means premises on which the existence of bluetongue has been confirmed;

“inspector” means an inspector appointed as such by the Secretary of State or a local authority for the purpose of these Regulations and, unless the context otherwise requires, includes a veterinary inspector;

[<sup>F6</sup>“live attenuated vaccines” means vaccines which are produced by adapting bluetongue virus field isolates through serial passages in tissue culture or in embryonated hens’ eggs;]

“local authority” means—

- (a) in a part of England where there is, within the meaning of the Local Government Changes for England Regulations 1994, a unitary authority for that local government area, that authority;
- (b) where there is not a unitary authority—
  - (i) in a metropolitan district, the council of that district;
  - (ii) in a non-metropolitan county, the council of that county;
  - (iii) in each London borough, the council of that borough;
  - (iv) in the city of London, the Common Council;
  - (v) where there is a port health authority, that authority;

“midge” means an insect of the genus *Culicoides*;

“premises” includes any [<sup>F7</sup>any land, building or other place;]

[<sup>F8</sup>“regulated place” means a slaughterhouse or border control post;]

“vaccine” means vaccine against bluetongue virus; and

“veterinary inspector” means a person appointed as such by the Secretary of State for the purposes of these Regulations.

(2) Any authorisation, licence, notice or designation under these Regulations must be in writing, may be subject to conditions and may be amended, suspended or revoked by notice at any time.

#### Textual Amendments

- F1** Words in [reg. 2](#) substituted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(2)(a)**
- F2** Words in [reg. 2](#) inserted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(2)(b)**
- F3** Words in [reg. 2](#) inserted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(2)(c)**

- F4** Words in reg. 2 inserted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **5(2)(d)**
- F5** Words in reg. 2 inserted (24.8.2012) by The Bluetongue (Amendment) Regulations 2012 (S.I. 2012/1977), regs. 1(b), **2(2)(a)**
- F6** Words in reg. 2 inserted (24.8.2012) by The Bluetongue (Amendment) Regulations 2012 (S.I. 2012/1977), regs. 1(b), **2(2)(b)**
- F7** Words in reg. 2 substituted (20.12.2023) by virtue of The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **5(2)(e)**
- F8** Words in reg. 2 inserted (20.12.2023) by The Exotic Disease (Amendment) (England) Order 2023 (S.I. 2023/1415), arts. 1(1), **5(2)(f)**

## Exemptions

- [<sup>F9</sup>3. These Regulations do not apply to—
- (a) anything a person is authorised to do by licence granted under the Specified Animal Pathogens Order 2008;
  - (b) administration of a vaccine for research purposes in accordance with an animal test certificate granted under the Veterinary Medicines Regulations 2011.]

## Textual Amendments

- F9** Reg. 3 substituted (24.8.2012) by The Bluetongue (Amendment) Regulations 2012 (S.I. 2012/1977), regs. 1(b), **2(3)**

## Licences

4.—(1) A person moving anything under the authority of a specific licence granted under these Regulations must—

- (a) carry the licence or a copy of it at all times during the licensed movement;
- (b) on demand by a veterinary inspector or other officer of the Secretary of State or by an inspector, produce the licence or copy and allow a copy or extract to be taken.

(2) A person moving anything under the authority of a general licence granted under these Regulations must—

- (a) carry, at all times during the movement, a consignment note that contains details of—
  - (i) what is being transported, including the quantity;
  - (ii) the date of the movement;
  - (iii) the name of the consignor;
  - (iv) the address of the premises from which the movement started;
  - (v) the name of the consignee;
  - (vi) the address of the premises of destination;
- (b) on demand by an inspector or an officer of the Secretary of State, produce the consignment note and allow a copy or extract to be taken.

## Licences granted outside England

5. Except where otherwise directed by the Secretary of State and except in respect of a licence to obtain vaccine or a licence to vaccinate, licences granted in Scotland or Wales for activities which

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could be licensed in England under these Regulations have effect in England as if they were licences granted under these Regulations.

### Declarations of zones

6. Declarations of zones—
- (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.

### Premises straddling zones

7.—(1) Premises partly inside a temporary control zone and not inside any other zone are treated as being inside the temporary control zone.

- (2) Premises partly inside a control zone are treated as being inside that zone.
- (3) Premises partly inside a vaccination zone are treated as being inside that zone.
- (4) Otherwise—
  - (a) if a restricted zone has been divided into a protection zone and a surveillance zone premises partly inside the protection zone and partly inside the surveillance zone are treated as being inside the protection zone;
  - (b) premises partly inside a restricted zone and partly inside an area that does not have controls for bluetongue are treated as being inside the restricted zone; and
  - (c) premises partly inside a restricted zone and partly inside a temporary control zone are treated as being inside <sup>[F10]</sup>the temporary control zone].

#### Textual Amendments

**F10** Words in reg. 7(4)(c) substituted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(3)(a)**

## PART 2

### Suspected and confirmed bluetongue

#### Initial requirements where bluetongue is known or suspected

8.—(1) The owner or keeper of any animal or carcase, or any person who examines or inspects any animal or carcase, who knows or suspects that the animal or carcase is infected with bluetongue, must—

- (a) immediately notify the <sup>[F11]</sup>Secretary of State]; and
- (b) not move any animal or carcase on or off the premises where the animal or carcase known to be or suspected of being diseased is located, except as authorised by an inspector.

(2) A person who analyses a sample taken from any animal or carcase and who finds evidence of antibodies to, or antigens or nucleic acids of, the bluetongue virus or any evidence of vaccination for bluetongue must immediately notify the <sup>[F12]</sup>Secretary of State].

<sup>F13</sup>(3) .....

#### Textual Amendments

- F11** Words in reg. 8(1)(a) substituted (1.11.2009) by [Animals \(Divisional Veterinary Managers\) Regulations 2009 \(S.I. 2009/2712\)](#), regs. 1, **6(3)**
- F12** Words in reg. 8(2) substituted (1.11.2009) by [Animals \(Divisional Veterinary Managers\) Regulations 2009 \(S.I. 2009/2712\)](#), regs. 1, **6(3)**
- F13** Reg. 8(3) revoked (1.11.2009) by [Animals \(Divisional Veterinary Managers\) Regulations 2009 \(S.I. 2009/2712\)](#), regs. 1, **6(2)**

### Suspected or infected premises

9.—(1) An inspector who knows or suspects that the bluetongue virus exists on any premises must immediately serve a notice on the occupier or on the keeper of any animals on those premises requiring that—

- (a) no animal, ovum, semen or embryo enter or leave the premises [<sup>F14</sup>except in accordance with a licence issued by a veterinary inspector under paragraph (4)];
- (b) an inventory of all animals on the premises is made, recording, for each species—
  - (i) the number dead;
  - (ii) the number alive that appear to have bluetongue; and
  - (iii) the number alive which do not appear to have bluetongue;
- (c) the inventory is kept up to date;
- (d) all animals on the premises are kept indoors or as directed by an inspector;
- (e) the premises and animals on them are subjected to the midge control measures specified in the notice.

(2) A veterinary inspector or an inspector acting under the direction of a veterinary inspector may also serve such a notice on the occupier of premises or the keeper of animals on those premises if the veterinary inspector suspects that animals on the premises have been exposed to the bluetongue virus.

(3) The person making the inventory must keep a record of it for at least two years.

[<sup>F15</sup>(4) Movements otherwise prohibited under paragraph (1) may be authorised by a licence issued by a veterinary inspector.]

#### Textual Amendments

- F14** Words in reg. 9(1)(a) inserted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(4)(a)**
- F15** Reg. 9(4) inserted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(4)(b)**

### Temporary control zones

10.—(1) If an inspector suspects that the bluetongue virus exists on any premises, the Secretary of State may declare a temporary control zone.

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(2) When a temporary control zone has been established in Wales or Scotland which touches the border with England the Secretary of State may establish an associated temporary control zone in England.

(3) The location and size of the temporary control zone is to be such as the Secretary of State considers appropriate to prevent the spread of disease.

(4) Where a temporary control zone has been established, no person may move any animal [<sup>F16</sup>or germinal product] on to or off premises in the zone except in accordance with a licence issued by a veterinary inspector.

<sup>F17</sup>(5) .....

**Textual Amendments**

**F16** Words in [reg. 10\(4\)](#) inserted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(5)(a)**

**F17** [Reg. 10\(5\)](#) omitted (20.12.2023) by virtue of [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(5)(b)**

**Confirmation of bluetongue on premises**

**11.**—<sup>F18</sup>(1) Once a veterinary inspector is satisfied that bluetongue exists on any premises, the veterinary inspector may serve a notice on the occupier or the keeper of any animals on those premises—

(a) confirming the existence of bluetongue on the premises; <sup>F19</sup>...

<sup>F19</sup>(b) .....

<sup>F20</sup>(2) A notice under paragraph (1) may notify the occupier that (notwithstanding regulation 8) it is unnecessary to notify any further suspected cases of bluetongue on the premises to a veterinary inspector.]

**Textual Amendments**

**F18** [Reg. 11\(1\)](#): [reg. 11](#) renumbered as [reg. 11\(1\)](#) (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(6)(a)**

**F19** [Reg. 11\(1\)\(b\)](#) and word omitted (20.12.2023) by virtue of [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(6)(b)**

**F20** [Reg. 11\(2\)](#) inserted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(6)(c)**

**Measures on confirmation of the bluetongue virus**

**12.**—(1) If the Chief Veterinary Officer confirms that the bluetongue virus is circulating in England, the Secretary of State, on being satisfied on epidemiological, geographical, ecological or meteorological grounds that this is appropriate for disease control purposes, must declare an area to be a control zone.

(2) The control zone must include the infected premises, and be of such size as the Secretary of State considers appropriate for disease control purposes.

(3) No person may move an animal [<sup>F21</sup>or germinal product] to or from premises in a control zone [<sup>F22</sup>except in accordance with a licence issued by a veterinary inspector].

#### Textual Amendments

- F21** Words in [reg. 12\(3\)](#) inserted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(7)(a)(i)**
- F22** Words in [reg. 12\(3\)](#) inserted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(7)(a)(ii)**

#### [<sup>F23</sup>Power to slaughter animals

**12A.—(1)** Section 32 of the Animal Health Act 1981 (which relates to slaughter and compensation) applies to animals slaughtered under these Regulations.]

#### Textual Amendments

- F23** [Reg. 12A](#) inserted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(8)**

#### Restrictions in protection and surveillance zones

**13.—(1)** If the Chief Veterinary Officer confirms that the bluetongue virus is circulating in England the Secretary of State—

- (a) must declare an appropriate area to be a restricted zone;
- (b) may, within a restricted zone, declare any area around an infected premises to be a protection zone, and any area beyond such protection zone to be a surveillance zone;

[<sup>F24</sup>(1A) A surveillance zone declared by the Secretary of State must not contain any land where animals have been vaccinated with live attenuated vaccines against bluetongue within the last 12 months.

(1B) No person may vaccinate against bluetongue using live attenuated vaccine in a surveillance zone declared under this regulation.]

(2) No person may move an animal, semen, ovum or embryo out of a restricted zone except under the authority of a licence granted by an inspector.

(3) No person may move an animal out of a protection zone except under the authority of a licence granted by an inspector.

(4) [<sup>F25</sup>An inspector may] grant a licence if the movement is permitted under Commission Regulation (EC) No. 1266/2007 <sup>F26</sup>..., and the conditions of any licence must be such as to ensure that the movement is made in accordance with that Regulation.

(5) A person is prohibited from moving an animal within a restricted zone if the animal shows clinical signs of bluetongue on the day of transport.

#### Textual Amendments

- F24** [Reg. 13\(1A\)-\(1B\)](#) inserted (24.8.2012) by [The Bluetongue \(Amendment\) Regulations 2012 \(S.I. 2012/1977\)](#), regs. 1(b), **2(4)**
- F25** Words in [reg. 13\(4\)](#) substituted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(9)(a)(i)**
- F26** Words in [reg. 13\(4\)](#) omitted (20.12.2023) by virtue of [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(9)(a)(ii)**

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## Slaughterhouses

14.—(1) The Secretary of State may designate a slaughterhouse for the purpose of slaughtering animals [<sup>F27</sup>moved in accordance with these Regulations].

(2) If an animal is transported from a restricted zone to a slaughterhouse outside that restricted zone in accordance with a licence, the operator of the slaughterhouse must slaughter the animal within 24 hours of arrival.

(3) The operator of a slaughterhouse in a surveillance zone may only slaughter an animal from a protection zone if licensed to do so by the Secretary of State.

### Textual Amendments

**F27** Words in [reg. 14\(1\)](#) substituted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(10)**

## [<sup>F28</sup>Movement of animals or other things

15.—(1) Following the movement of an animal or germinal product from a premises within a temporary control zone, control zone or restricted zone, a veterinary inspector may by notice served on the occupier of premises to which the animal or germinal product has been moved—

- (a) prohibit the movement of that animal or germinal product off the premises to which the animal or germinal product has been moved;
- (b) prohibit the movement of any other animal or germinal product on to or off such premises;
- (c) specify such requirements as are considered by a veterinary inspector to be necessary in order to prevent the spread of disease.

(2) A movement prohibited by a notice under paragraph (1) may be authorised under a licence issued by an inspector.]

### Textual Amendments

**F28** [Reg. 15](#) substituted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(11)**

## Bluetongue outside England

16. If bluetongue is confirmed outside England and the Secretary of State considers it appropriate for disease control purposes, the Secretary of State may declare in England a temporary control zone, a control zone, a protection zone, a surveillance zone or a restricted zone (which may be made up of a protection zone and a surveillance zone).

## [<sup>F29</sup>PART 3

### Vaccination

### Textual Amendments

**F29** Pt. 3 substituted (24.8.2012) by [The Bluetongue \(Amendment\) Regulations 2012 \(S.I. 2012/1977\)](#), regs. 1(b), **2(5)**



## Obtaining vaccine

17. No person other than the holder of a marketing authorisation, a manufacturing authorisation or a wholesale dealer's authorisation granted by the Secretary of State under [<sup>F30</sup>the Veterinary Medicines Regulations 2013 ] may obtain vaccine except for the purpose of enabling the use of vaccines under regulation 19.

### Textual Amendments

**F30** Words in reg. 17 substituted (1.6.2018) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments\) \(England\) Regulations 2018 \(S.I. 2018/575\)](#), art. 1(2), [reg. 42](#)

## Prohibition on vaccination

18. No person may vaccinate an animal against bluetongue except in accordance with regulation 19.

## Compulsory vaccination

19.—(1) The Secretary of State may grant a specific or general licence permitting the use of inactivated or live attenuated vaccines against bluetongue in accordance with this regulation.

(2) The Secretary of State may declare a vaccination zone in which any occupier of premises or keeper of animals must ensure the vaccination of their animals with inactivated or live attenuated vaccines and comply with any other measures related to either vaccination or vaccine specified in that declaration.

(3) Where a zone is declared under paragraph (2), a veterinary inspector may serve a notice on the occupier of premises or the keeper of animals on premises requiring that occupier or keeper to ensure the vaccination with inactivated or live attenuated vaccines of animals at the premises.

(4) The Secretary of State may only grant a licence under paragraph (1) or declare a zone under paragraph (2) if—

(a) the decision to use the vaccine is based on the result of a specific risk assessment carried out by the Secretary of State; <sup>F31</sup>...

<sup>F31</sup>(b) .....

(5) Whenever live attenuated vaccines are to be used, the Secretary of State must declare—

(a) a protection zone consisting of at least the vaccination area; and

(b) a surveillance zone extending beyond the limits of the protection zone in which no animals have been vaccinated with live attenuated vaccines against bluetongue within the last 12 months.

(6) No person may vaccinate against bluetongue using live attenuated vaccine in a surveillance zone declared under this regulation.]

### Textual Amendments

**F31** [Reg. 19\(4\)\(b\)](#) and word omitted (31.12.2020) by virtue of [The Exotic Disease \(Amendment\) \(England\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1406\)](#), regs. 1, 9; 2020 c. 1, Sch. 5 para. 1(1)

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*Changes to legislation: There are currently no known outstanding effects for the The Bluetongue Regulations 2008. (See end of Document for details)*

## [<sup>F32</sup> PART 3A

### Exports

#### Textual Amendments

**F32** Pt. 3A inserted (25.5.2011) by [The Trade in Animals and Related Products Regulations 2011 \(S.I. 2011/1197\)](#), reg. 1, **Sch. 4 para. 1** (with reg. 3)

**19A.**—(1) A person must not export any animal, semen, ovum or embryo to a third country unless it complies with Commission Regulation ( EC ) No. 1266/2007 on implementing rules for Council Directive 2000/75/ EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue.

(2) An inspector who has reasonable cause to suspect that a person intends to export any animal, semen, ovum or embryo in contravention of this regulation may by notice served on that person, that person's representative or the person appearing to be in charge of the animal, semen, ovum or embryo, prohibit that export and require the person on whom the notice is served to take the animal, semen, ovum or embryo to such places as may be specified in the notice and to take such further action in relation to it as may be specified in the notice.

(3) If a notice served under paragraph (2) is not complied with, an inspector may seize any animal or thing to which it relates and arrange for the requirements of the notice to be complied with at the expense of the person on whom the notice was served.]

## PART 4

### Inspection, offences and enforcement

#### Powers of veterinary inspectors, officers and inspectors

**20.**—(1) On producing, if required, a duly authenticated document showing the required authority, a veterinary inspector or an officer or inspector of the Secretary of State acting under the direction of a veterinary inspector may, at all reasonable hours, enter any premises, vehicle or vessel for the purpose of monitoring or surveillance for the bluetongue virus, antibodies to the bluetongue virus or midges.

(2) On producing, if required, a duly authenticated document showing the required authority, an inspector or an officer of the Secretary of State may, at all reasonable hours, enter any premises, vehicle or vessel for the purpose of ensuring that these Regulations are being complied with.

(3) A person entering premises, a vehicle or a vessel under paragraphs (1) or (2) may take with him —

- (a) any equipment; and
- (b) such other person as is appropriate.

(4) Any person entering premises under paragraphs (1) or (2) may take a vehicle with him.

(5) An inspector or an officer of the Secretary of State may—

- (a) detain, [<sup>F33</sup>isolate or] restrain any animal;
- (b) require the detention, isolation or restraint of any animal;
- (c) mark for identification purposes any animal, carcase or thing;
- (d) detain or isolate any thing;

- (e) require the detention or isolation of any thing;
  - (f) require any person who knows about an animal's movements to give details of those movements and of any other animal with which it has been in contact;
  - (g) require the occupier of premises or keeper of animals on those premises to give details of animals either on those premises or on other premises where the occupier or keeper has animals;
  - (h) require the production of any record kept under these Regulations, in whatever form that record is held;
  - (i) copy any record referred to in paragraph (f); or
  - (j) inspect and check the operation of any computer and associated apparatus or material used in the connection with the making and keeping of records under these Regulations.
- (6) A veterinary inspector or an inspector or officer of the Secretary of State acting under the direction of a veterinary inspector may —
- (a) examine any carcase or thing;
  - (b) require the treatment of any animal;
  - (c) carry out an epidemiological investigation relevant to the control of bluetongue;
  - (d) carry out tests and take samples (including blood samples) from any animal, carcase or thing for the purpose of diagnosis or epidemiological investigation;
  - (e) trap midges;
  - (f) implement midge control measures;
  - (g) require the destruction, burial, disposal or treatment of any thing; or
  - (h) require the cleansing and disinfection of any part of the premises or of any person, animal, vehicle, vessel or thing on the premises.
- (7) A veterinary inspector may—
- (a) on entering any premises, vehicle or vessel under this regulation, examine or vaccinate any animal;
  - (b) require, by notice, the occupier of premises or the keeper of animals on premises to —
    - (i) allow the vaccination of any animal kept there;
    - (ii) retain animals for use as sentinel animals or allow the introduction of sentinel animals onto those premises; or
    - (iii) move an animal which has been moved other than in accordance with regulations 13 or 15 to a place specified by the veterinary inspector;
- (8) “Sentinel animal” means an animal that is used for surveillance for the bluetongue virus which does not have antibodies to the bluetongue virus of the strain in respect of which surveillance is being carried out when first introduced or retained at the premises.

#### **Textual Amendments**

**F33** Words in [reg. 20\(5\)\(a\)](#) substituted (20.12.2023) by [The Exotic Disease \(Amendment\) \(England\) Order 2023 \(S.I. 2023/1415\)](#), arts. 1(1), **5(12)**

#### **Obstruction**

**21.—(1)** No person may—

- (a) intentionally obstruct any person acting in the execution of these Regulations; or

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(b) furnish to any person acting in the execution of these Regulations any information which that person knows to be false or misleading.

(2) Any person required to give reasonable assistance or information to a person acting under these Regulations must do so without delay unless there is reasonable cause to do otherwise.

### **Interference with traps and marks**

22. No person may—

- (a) damage, interfere with or remove any traps set for midges under these Regulations; or
- (b) deface, obliterate or remove any mark made by any person under these Regulations.

### **Costs of compliance**

23. Unless the Secretary of State directs otherwise in writing, the costs incurred by any person in taking any action required, or in refraining from taking action that is prohibited, by or under these Regulations must be met by that person.

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

24. If any person fails to comply with a requirement in or under these Regulations, an inspector may take such steps as that inspector considers necessary to ensure the requirement is met at the expense of that person.

### **Offences and penalties**

25. A person contravening any requirement or prohibition in or under these Regulations is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment not exceeding three months or both.

### **Offences by bodies corporate**

26.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

that person is guilty of the offence as well as the body corporate.

(2) For the purposes of this regulation, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

### **Enforcement**

27.—(1) These Regulations are enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description or to particular cases, that the Secretary of State will enforce these Regulations instead.

[<sup>F34</sup>(3) Where the Secretary of State makes a direction under paragraph (2), the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under these Regulations.]

#### Textual Amendments

- F34** Reg. 27(3) added (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **25(a)**

## PART 5

### Miscellaneous

#### Exceptional circumstances

- 28.** The Secretary of State may for the purpose of ensuring the health or welfare of any animal—
- license a person to carry out any action that is otherwise prohibited under these Regulations; or
  - exempt a person, by notice, from any requirement under these Regulations.

#### Revocation

- 29.** The Bluetongue (No. 2) Order 2007 is revoked (except for article 17).

#### [<sup>F35</sup>Review of these Regulations

- 30.**—(1) The Secretary of State must from time to time—
- carry out a review of these Regulations;
  - set out the conclusions of the review in a report; and
  - publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Council Directive [2000/75/ EC](#) laying down specific provisions for the control and eradication of bluetongue is implemented in other member States.
- (3) The report must in particular—
- set out the objectives intended to be achieved by these Regulations;
  - assess the extent to which those objectives are achieved; and
  - assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.
- (4) The first report under this regulation must be published before [<sup>F36</sup>24th August 2017].
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.]

#### Textual Amendments

- F35** Reg. 30 inserted (24.8.2012) by [The Bluetongue \(Amendment\) Regulations 2012 \(S.I. 2012/1977\)](#), regs. 1(b), **2(6)**
- F36** Words in reg. 30(4) substituted (24.12.2012) by [The Agriculture, Animals, Environment and Food etc. \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2897\)](#), arts. 1(1), **25(b)**

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**Status:** Point in time view as at 20/12/2023.

**Changes to legislation:** There are currently no known outstanding effects for the The Bluetongue Regulations 2008. (See end of Document for details)

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*Jeff Rooker*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Council Directive [2000/75/EC](#) laying down specific provisions for the control and eradication of bluetongue and enforce Commission Regulation (EC) No. [1266/2007](#)<sup>(5)</sup>. They revoke and remake with changes the Bluetongue (No. 2) Order 2007<sup>(6)</sup>.

The changes are that—

- (a) the Secretary of State may, within a restricted zone, declare any area around an infected premises to be a protection zone, and any area beyond such protection zone to be a surveillance zone (regulation 13(1)(b)).
- (b) a person is prohibited from moving an animal in a restricted zone if the animal shows clinical signs of bluetongue on the day of transport (regulation 13(5)).
- (c) the operator of a slaughterhouse in a surveillance zone must obtain a licence if that operator proposes to slaughter animals from a protection zone (regulation 14(3)).
- (d) if bluetongue is confirmed outside England, the Secretary of State may declare a protection zone and a surveillance zone in England (regulation 16).
- (e) unless in an excepted category, a person requires a licence to obtain bluetongue vaccine (regulation 17). Vaccination can only take place if authorised by the Secretary of State (regulation 18) or where vaccination is required either in a vaccination zone or by notice served on particular premises (regulation 19).
- (f) power is given to the Secretary of State to allow a person to take or avoid taking an action otherwise than in accordance with the other provisions of these Regulations for the purpose only of ensuring the health and welfare of any animal (regulation 28).

Part 1 of the Regulations makes provision for exemptions from the requirements of the Regulations, for licences and for the declaration of zones (regulations 3 to 7).

Part 2 of the Regulations provides for the reporting of symptoms of bluetongue (regulation 8), the establishment of restrictions on premises (regulation 9), the establishment of temporary control zones (regulation 10), confirmation of bluetongue on premises (regulation 11), and the establishment of zones and controls on movements of animals within and out of those zones (regulations 12 and 13). Power is given to the Secretary of State to license or designate certain slaughterhouses (regulation 14). Movement without a licence of animals from the restricted zone where a notice has been served on the occupier of the premises of destination is prohibited (regulation 15). This Part also provides for the Secretary of State to declare zones in England when bluetongue is confirmed outside England.

Part 3 makes provision for vaccination (regulations 17 to 19).

Part 4 makes provision for enforcement and sets out the offences of obstruction and interference with traps and marks (regulations 20 to 24 and regulation 26). Failure to comply with any requirement or to observe any prohibition in or under these Regulations is an offence (regulation 25). The Regulations are enforced by the local authority, unless the Secretary of State directs otherwise (regulation 27).

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(5) OJ No L 283, 27.10.2007, p 37.

(6) S.I. 2007/3304.

**Status:** Point in time view as at 20/12/2023.

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Part 5 gives power to the Secretary of State to permit anything that would otherwise be prohibited or to exempt a person from any requirement under the Regulations, for the purpose of ensuring the health or welfare of any animal (regulation 28).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector has been placed in the library of each House of Parliament. Copies may be obtained from the Department for Environment, Food and Rural Affairs, 1A Page Street, London SW1P 4PQ.



**Status:**

Point in time view as at 20/12/2023.

**Changes to legislation:**

There are currently no known outstanding effects for the The Bluetongue Regulations 2008.