

**2010 No. 460**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Animal Gatherings Order 2010**

*Made* - - - - - *24th February 2010*

*Coming into force* - - - - - *18th March 2010*

The Secretary of State, in exercise of the powers conferred by sections 1, 7, 8 and 83(2) of the Animal Health Act 1981(a), makes the following Order.

**Title, application and commencement**

1. This Order may be cited as the Animal Gatherings Order 2010, applies in England and comes into force on 18th March 2010.

**Interpretation**

2. In this Order—

“animals” means cattle (excluding bison and yak), deer, goats, sheep and pigs;

“animal area” means any area on the licensed premises to which animals may be given access at an animal gathering;

“animal gathering” means an occasion at which animals are gathered for one or more of the following purposes—

- (a) a sale, show or exhibition,
- (b) collection for onward consignment within Great Britain,
- (c) inspection to confirm the animals possess specific breed characteristics;

“approved disinfectant” means a disinfectant approved under the Diseases of Animals (Approved Disinfectants) Order 2007(b);

“equipment” includes pens and hurdles;

“licensed premises” means premises licensed under article 5(1);

“licensee” is a person licensed under article 5(1);

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(a) 1981 c.22 Powers to make Orders under these sections were originally conferred on “the Ministers” by section 86 of the Act. These powers 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).

(b) S.I. 2007/448.

“paved” means paved with cement, concrete, asphalt or other hard impermeable material that is capable of being effectively cleansed and disinfected.

### **Notices and licences**

3. A notice, licence or authorisation issued by a veterinary inspector under this Order—
- (a) must be in writing;
  - (b) may be amended, suspended or revoked; and
  - (c) may be subject to such conditions and requirements as the veterinary inspector considers necessary to control the introduction into or spread of disease within or from the licensed premises.

### **Exceptions**

4. This Order does not apply in any of the following situations—
- (a) where all the animals brought to the animal gathering are owned by the same person;
  - (b) all the animals come from one set of premises which the Secretary of State has authorised as a sole occupancy group under the Disease Control (England) Order 2003(a); or
  - (c) the animal gathering takes place on premises owned or occupied by the owner of the animals.

### **The use of premises for animal gatherings**

5.—(1) No person may use any premises for an animal gathering unless those premises are licensed for that purpose by a veterinary inspector.

- (2) An application for a licence must be in writing.
- (3) A licence must include—
- (a) the name of the licensee;
  - (b) the premises on which the animal gathering may take place; and
  - (c) particulars that identify the animal area.

### **Restriction for 27 days between animal gatherings**

6. No person may allow an animal gathering to take place on licensed premises on which animals have been kept until 27 days has elapsed from the day on which—

- (a) the last animal has left the licensed premises; and
- (b) all equipment to which animals had access has been cleansed of visible contamination, after the last animal has left the licensed premises.

### **Exemption from the 27-day restriction for licensed premises with any paved animal area**

7.—(1) The restriction in article 6 does not apply where all animal areas on the licensed premises are paved, and such areas (and any equipment thereon) are scraped clean, swept, cleansed by washing and then disinfected with an approved disinfectant before the next animal gathering.

- (2) The scraping, sweeping, cleansing and disinfection required in paragraph (1) must—
- (a) only commence once animals have left that area being so treated, and
  - (b) be completed after the last animal has left the licensed premises.

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(a) S.I. 2003/1729 as amended by S.I. 2005/3100, S.I. 2006/182 and S.I. 2008/1066.

(3) A veterinary inspector may issue an authorisation to a licensee to hold an animal gathering that is exempt from the article 6 restriction subject to requirements that are different from those contained in paragraphs (1) and (2).

(4) If, following the last occasion on which any paved animal area was treated in accordance with this article, any part of such area becomes re-contaminated with animal excreta or other material of animal origin or any contaminant derived from animals, then that re-contaminated part must be scraped clean, swept, cleansed by washing and then disinfected before any animals are allowed onto the licensed premises for the next animal gathering.

#### **Destruction, treatment or disposal of feeding stuffs and other materials**

**8.**—(1) The licensee must ensure that all feeding stuffs to which animals had access, and all bedding, animal excreta, other material of animal origin and other contaminants derived from animals in the animal area are—

- (a) destroyed,
- (b) treated so as to remove the risk of transmission of disease, or
- (c) disposed of so that animals do not have access to them.

(2) This article does not apply to any material required to be disposed of under the Animal By-Products Regulations 2005(a).

#### **Admittance of animals only for a period of up to 48 hours**

**9.**—(1) No person may bring or permit any animal onto premises used for an animal gathering after the gathering has been open to receive animals for a period of 48 hours.

(2) A veterinary inspector may by notice extend the period when animals may be permitted to enter an animal gathering.

(3) For the purpose of this article, where more than one animal gathering is held on the same licensed premises and animals are present at all times on that premises during such gatherings, those gatherings are to be treated as one animal gathering, and the 48-hour period for the premises being open to receive animals shall apply.

#### **Requirement to notify and publicise the times for bringing animals to animal gatherings**

**10.** In the case of any animal gathering to be used for the purpose of a sale (whether or not sale is the sole purpose) or a collection, the licensee must at least 14 days in advance—

- (a) publicise the times when the licensed premises will be open to receive animals and the purpose (including a sale or collection identified in article 11 if appropriate) of the animal gathering; and
- (b) notify this information to both the Secretary of State and the local authority.

#### **Dedicated slaughter sales and dedicated slaughter collections**

**11.**—(1) No person may hold a dedicated slaughter sale or a dedicated slaughter collection other than on a paved animal area.

(2) No person may hold a dedicated slaughter sale or a dedicated slaughter collection as part of an animal gathering held for any other purpose.

(3) In this article—

- (a) a “dedicated slaughter collection” means an animal gathering for the purpose of onward consignment direct to slaughter in Great Britain; and

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(a) S.I. 2005/2347 as last amended by S.I. 2009/1119.

- (b) a “dedicated slaughter sale” means an animal gathering for the purpose of a sale before onward consignment direct to slaughter in Great Britain.

### **Restrictions following an animal gathering**

12.—(1) The provisions of this article apply once the last animal at an animal gathering has left the licensed premises.

(2) No person may allow animals onto that premises for any purpose until all equipment to which animals had access during an animal gathering has been cleansed of visible contamination.

(3) Following an animal gathering a person may only remove from the licensed premises any equipment to which animals had access if—

- (a) the equipment has been scraped clean, swept, cleansed by washing and then disinfected with an approved disinfectant; or
- (b) a period of 27 days has elapsed since the last animal has left the licensed premises.

(4) Where there is no appropriate facility to properly cleanse and disinfect the equipment on the licensed premises in accordance with the requirement in paragraph 3(a) then the equipment may be moved to the nearest appropriate facility where it must be cleansed and disinfected.

### **Enforcement**

13.—(1) This Order must be enforced by the local authority.

(2) The Secretary of State may direct that, in relation to cases of a particular description or any particular case, an enforcement duty imposed on a local authority under this article is to be discharged by the Secretary of State and not by the local authority.

### **Revocation and transitional arrangement for existing licences**

14.—(1) The Animal Gatherings (England) Order 2006(a) is revoked.

(2) A licence granted under that Order which was in force immediately before the coming into force of this Order will be treated as a licence granted under article 5(1).

24th February 2010

*Jim Fitzpatrick*  
Minister of State  
Department for Environment, Food and Rural Affairs

### **EXPLANATORY NOTE**

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

This Order revokes and re-enacts, with amendments, the Animal Gatherings (England) Order 2006 (S.I. 2006/2211) (“the 2006 Order”).

Licences must be obtained in accordance with article 5(1) if any person wants to hold an animal gathering that is not exempted by article 4. Under the 2006 Order autumn breeding sales had been exempt but must now be licensed under this Order.

Other than where the animal gathering takes place on any paved animal area there is a restriction on the number of days that must pass before another gathering can be held on licensed premises (articles 6 and 7).

Article 8 deals with the destruction, treatment or disposal of feeding stuffs and other materials.

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(a) S.I. 2006/2211.

Animals may only be brought to an animal gathering during a period of up to 48-hours from the opening of the gathering (article 9). This 48-hour period for animals to be brought to a gathering must be pre-notified and publicised (article 10).

A dedicated slaughter sale or a dedicated slaughter collection can only be held on premises with paved animal areas (article 11).

All equipment must be cleaned before the next animal gathering, and there are restrictions before equipment can be removed from the licensed premises (article 12).

The Order is enforced by the local authority (article 13). Breach of the Order is an offence under section 73 of the Animal Health Act 1981 (c. 22).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the Defra website.

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STATUTORY INSTRUMENTS

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