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STATUTORY INSTRUMENTS

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**2012 No. 2629**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The African Horse Sickness (England) Regulations 2012**

*Made* - - - - *15th October 2012*  
*Laid before Parliament* *19th October 2012*  
*Coming into force* - - *21st November 2012*

The Secretary of State is a Minister 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 Union and makes these Regulations in exercise of the powers conferred by that section.

**PART 1**

**Introduction**

**Citation, application and commencement**

1. These Regulations—
  - (a) may be cited as the African Horse Sickness (England) Regulations 2012;
  - (b) apply in England; and
  - (c) come into force on 21st November 2012.

**Commencement Information**

**II** [Reg. 1](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

**Interpretation**

- 2.—(1) In these Regulations—

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<sup>(1)</sup> [S.I. 1972/1811](#).

<sup>(2)</sup> [1972 c. 68](#). Section 2(2) was amended by the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#), section 27(1)(a) and the European Union (Amendment) Act [2008 \(c. 7\)](#), section 3(3) and Part 1 of the Schedule.

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The African Horse Sickness (England) Regulations 2012. (See end of Document for details)

“carcase” means a carcase or part of a carcase of a horse, but does not include a sample taken from a carcase;

“Chief Veterinary Officer” means the Chief Veterinary Officer for the United Kingdom;

“contact premises” means premises that have an epidemiological connection with infected premises, including those that due to their proximity to infected premises the Chief Veterinary Officer considers have an epidemiological connection with infected premises;

“equipment”, except in regulation 29(8)(a), means any equipment that has been in contact with blood or other bodily fluids from a horse, including needles and surgical or dental equipment, unless that equipment has either been sterilised following such contact or is securely confined in a sharps container complying with British Standard 7320(3) (or equivalent standard);

“genetic material” means any semen, ovum or embryo of a horse;

“horse” means any animal of the family Equidae and includes crossings of those animals;

“infected premises” means premises that have been declared to be infected premises under regulation 9(8) or 10(7);

“inspector” and “veterinary inspector” mean persons appointed as such for the purposes of the Animal Health Act 1981(4);

“premises” includes any place;

“suspect premises” means premises that have been designated as suspect premises under regulation 8(2);

“vector” means an insect of the genus *Culicoides* or any other species of arthropod capable of transmitting African horse sickness virus.

(2) In these Regulations, a reference to a notified horse or carcase is a reference to a horse or a carcase (as the case may be) which is the subject of a notification given under regulation 5(1).

#### Commencement Information

I2 Reg. 2 in force at 21.11.2012, see reg. 1(c)

#### References to occupier and additional obligations

3.—(1) In these Regulations—

- (a) a reference to an occupier of premises includes a reference to a person who has ownership or charge of a horse on the premises;
- (b) the main occupier of premises is the person who has overall responsibility for the premises.

(2) Any notice required or authorised under these Regulations—

- (a) to be served on the main occupier of premises may be served on any person appearing to the person serving the notice to be the main occupier;
- (b) to be served on any other occupier of premises may be served on any person appearing to the person serving the notice to be that occupier.

(3) Where a notice has been served on a person referred to in paragraph (2), any reference in these Regulations to the main occupier or, as the case may be, any other occupier of the premises includes a reference to that person.

(3) ISBN 0 580 18481 1, published 29th June 1990.

(4) 1981 c. 22.

(4) Where the main occupier of premises is required to comply with any obligation under or by virtue of these Regulations, any other occupier of the premises must give the main occupier such assistance as is reasonably required to enable such compliance.

(5) Where the main occupier of premises has been served with a notice under these Regulations, the main occupier must take reasonable steps to inform (orally or otherwise) any other occupier of the premises and any other person entering the premises of any restrictions on the movement to or from the premises of any horse, carcase, equipment or genetic material arising from the service of the notice.

(6) A notice required or authorised under these Regulations to be served on the main occupier of premises may (in addition to it being served on the main occupier) be served on any other occupier of the premises.

**Commencement Information**

**I3** [Reg. 3](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

**Exemptions**

4. These Regulations do not apply—
- (a) to anything done under the terms of a licence granted under the Specified Animal Pathogens Order 2008(5), or
  - (b) at any border inspection post within the meaning of, and for so long as it remains approved for the purposes of, regulation 11 of the Trade in Animals and Related Products Regulations 2011(6).

**Commencement Information**

**I4** [Reg. 4](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

**PART 2**

**Notification of suspicion of African horse sickness**

**Notification requirements**

5.—(1) Any person who suspects that a horse or carcase is infected with African horse sickness virus must immediately notify the Secretary of State.

- (2) Any person who examines a sample taken from a horse or carcase and who—
- (a) suspects that the horse or carcase is infected with African horse sickness virus, or
  - (b) detects evidence of antibodies to, or antigens of, that virus,

must immediately notify the Secretary of State.

- (3) But paragraphs (1) and (2) are subject to paragraph (5).

(5) [S.I. 2008/944](#) as amended by [S.I. 2009/3083](#).

(6) [S.I. 2011/1197](#).

*Status: Point in time view as at 31/12/2020.*

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(4) A veterinary inspector may serve a notice on any occupier of infected premises indicating that any further suspected cases of African horse sickness virus on those premises need not be notified to the Secretary of State for so long as the notice remains in force.

(5) Where a notice has been served under paragraph (4)—

- (a) paragraph (1) does not apply in relation to any horse or carcase on the infected premises, and
- (b) paragraph (2) does not apply in relation to any sample taken from a horse or carcase on the infected premises,

for so long as the notice remains in force.

(6) Unless earlier revoked by a veterinary inspector, a notice served under paragraph (4) ceases to be in force when the notice declaring the premises to be infected premises served under regulation 9(8) or 10(7) (as the case may be) is revoked by a veterinary inspector or by virtue of regulation 13(2).

#### Commencement Information

**I5** Reg. 5 in force at 21.11.2012, see [reg. 1\(c\)](#)

## PART 3

### Suspicion and confirmation of African horse sickness

#### Scope of Part 3

6. This Part does not apply in relation to slaughterhouses or non-captive horses.

#### Commencement Information

**I6** Reg. 6 in force at 21.11.2012, see [reg. 1\(c\)](#)

#### Initial controls following notification

7.—(1) This regulation applies where the Secretary of State receives a notification under regulation 5(1) and a veterinary inspector considers that further investigation relating to the possible presence of African horse sickness virus is necessary.

(2) A veterinary inspector must inform (orally or otherwise) the person who gave the notification that further investigation is necessary.

(3) Where that person has been so informed, the controls in paragraph (7) apply in relation to the premises where the notified horse or carcase (as the case may be) is located.

(4) Where those premises are not the premises where the notified horse is normally kept or, in the case of a notified carcase, the horse before it died was normally kept, a veterinary inspector may also inform (orally or otherwise) the main occupier of those other premises that further investigation is necessary.

(5) Where that main occupier has been so informed, the controls in paragraph (7), other than in sub-paragraph (a)(i), apply in relation to those other premises.

(6) A veterinary inspector—

- (a) must go to the premises where the notified horse or carcase is located and examine that horse or carcase, and may examine any other horse or carcase there;
  - (b) where paragraph (4) applies, may go to those other premises and examine any horse or carcase there.
- (7) The controls are that—
- (a) any person in possession or charge of a notified horse or carcase must ensure that—
    - (i) the notified horse or carcase is not moved from the premises where it is located,
    - (ii) no equipment or genetic material is moved from the premises,
    - (iii) no other horse or carcase is moved from or to the premises, except that any horse normally kept at the premises may return there; and
  - (b) if required by a veterinary inspector and to the extent that it is practicable to do so the main occupier must ensure that—
    - (i) all horses are moved away from any part of the premises where most vectors are likely to be present;
    - (ii) areas which may be breeding grounds for vectors are identified and any available vector control measures directed by a veterinary inspector are implemented.
- (8) The controls imposed under this regulation continue to apply until—
- (a) a veterinary inspector confirms (orally or otherwise) to any occupier of the premises that the presence of African horse sickness virus on the premises is not suspected, or
  - (b) the premises become suspect premises(7).

#### **Commencement Information**

**I7** [Reg. 7](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

#### **Imposing measures on suspicion of disease**

**8.—(1)** This regulation applies where an inspector suspects that a horse or carcase that is or has been infected with African horse sickness virus is or has been on any premises (whether following a notification under regulation [5\(1\)](#) or otherwise).

(2) The inspector may serve a notice on the main occupier designating those premises as suspect premises, at which point the measures in the Schedule have effect(**8**).

(3) Such a notice served in relation to contact premises must specify that the premises are contact premises.

(4) A notice served under paragraph (2) may require the main occupier to erect and maintain such signs on the premises as may be required by a veterinary inspector.

(5) Where a notice has been served under paragraph (2) a veterinary inspector must—

- (a) as far as is reasonably practicable assess places likely to facilitate the survival of the vectors, or to accommodate them, and the practicality of using appropriate vector control measures in such places;
- (b) begin an epidemiological inquiry to try to establish at least—
  - (i) the length of time that African horse sickness virus may have existed in horses on the premises,

(7) At which point other measures have effect: see regulation [8\(2\)](#).

(8) See also the power of the Secretary of State under regulation [17](#) to declare a temporary movement restriction zone.

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- (ii) the origin of that virus,
  - (iii) the identification of other premises on which there are horses which may have become infected,
  - (iv) the presence and distribution of vectors,
  - (v) the movement of any horse to or from the premises or any carcasses removed from them, and
  - (vi) the possibility that non-captive horses may be involved in the spread of the virus,
- and continue the inquiry until these matters have been established so far as is practicable or the possible presence of African horse sickness virus has been discounted.

#### Commencement Information

**18** Reg. 8 in force at 21.11.2012, see [reg. 1\(c\)](#)

#### Measures following suspicion – premises other than contact premises

**9.—(1)** This regulation applies where premises, other than contact premises, are designated as suspect premises.

(2) A veterinary inspector must take all reasonable steps to establish whether or not African horse sickness virus is present.

(3) For the purposes of paragraph (2), a veterinary inspector may, if the Chief Veterinary Officer considers it necessary, take and have tested—

- (a) samples from any horse or carcass that is, or has previously been, on the premises,
- (b) environmental samples from the premises.

(4) If the Chief Veterinary Officer is satisfied following the steps referred to in paragraph (2) that it is no longer appropriate for the premises to remain designated as suspect premises, a veterinary inspector must revoke the notice served under regulation [8\(2\)](#).

(5) Where that notice is revoked, the measures in the Schedule cease to have effect, except for the purposes of paragraph 1(4)(a) of that Schedule (duty to keep records for 6 months following revocation of notice).

(6) If the Chief Veterinary Officer is satisfied following tests under this regulation that there are seropositive horses on the premises a veterinary inspector must continue to monitor as appropriate horses on the premises, and may take further samples and have them tested.

(7) Paragraph [\(8\)](#) applies if the Chief Veterinary Officer is satisfied as a result of any test carried out under this regulation or any clinical signs in any horse on the premises that African horse sickness virus is present in a horse or carcass or on the premises.

(8) Where this paragraph applies, a veterinary inspector must serve a notice on the main occupier declaring the premises to be infected premises [\(9\)](#).

(9) Where a notice has been served under paragraph (8), the measures in the Schedule continue to have effect.

(10) The notice served under paragraph (8) may require the main occupier to erect and maintain such signs on the premises as may be required by a veterinary inspector.

(9) See also the power of the Secretary of State under regulation [18](#) to declare a control zone, protection zone and surveillance zone.

(11) If the Chief Veterinary Officer considers it necessary to reduce the risk of spread of African horse sickness virus, the notice served under paragraph (8) may require measures additional to those in the Schedule and paragraph (10).

#### Commencement Information

**I9** Reg. 9 in force at 21.11.2012, see [reg. 1\(c\)](#)

#### Measures following suspicion – contact premises

**10.**—(1) This regulation applies where contact premises are designated as suspect premises.

(2) If any horse on the premises shows clinical signs of African horse sickness during the relevant period, a veterinary inspector—

- (a) must take samples from it and have them tested, and
- (b) may take samples from any other horse or carcase on the premises and have them tested.

(3) If no horse on the premises shows clinical signs of African horse sickness a veterinary inspector—

- (a) must monitor as appropriate all horses on the premises until the end of the relevant period, and
- (b) may take samples from any horse or carcase on the premises and have them tested.

(4) If no horse on the premises has shown clinical signs of African horse sickness at any time during the relevant period and the Chief Veterinary Officer is satisfied following any tests under this regulation that it is no longer appropriate for the premises to remain designated as suspect premises, a veterinary inspector must revoke the notice served under regulation [8\(2\)](#).

(5) Where that notice is revoked, the measures in the Schedule cease to have effect, except for the purposes of paragraph 1(4)(a) of that Schedule.

(6) Paragraph (7) applies where the Chief Veterinary Officer is satisfied as a result of—

- (a) any test carried out under this regulation,
- (b) any clinical signs in any horse on the premises, or
- (c) any epidemiological connection to infected premises,

that African horse sickness virus is present in a horse or carcase or on the premises.

(7) Where this paragraph applies, a veterinary inspector must serve a notice on the main occupier declaring the premises to be infected premises(**10**).

(8) Where a notice has been served under paragraph (7), the measures in the Schedule continue to have effect.

(9) The notice served under paragraph (7) may require the main occupier to erect and maintain such signs on the premises as may be required by a veterinary inspector.

(10) If the Chief Veterinary Officer considers it necessary to reduce the risk of spread of African horse sickness virus the notice may require measures additional to those in the Schedule and paragraph (9).

(11) In this regulation, “the relevant period” is the period determined by the Chief Veterinary Officer to be necessary for establishing whether or not African horse sickness is present in a horse or carcase on the premises.

**(10)** See also the power of the Secretary of State under regulation [18](#) to declare a control zone, protection zone and surveillance zone.

*Status: Point in time view as at 31/12/2020.*

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#### Commencement Information

**I10** [Reg. 10](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

### Powers to prevent horses from being brought onto other premises

**11.**—(1) This regulation applies where premises are infected premises and the Chief Veterinary Officer considers that due to the risk of African horse sickness virus spreading it is appropriate to prevent horses from being brought onto other premises.

(2) An inspector may serve a notice on the main occupier of those other premises imposing the prohibition in paragraph (3).

(3) The prohibition is that no person may move any horse onto the premises for such period as may be specified in the notice, except under the authority of a licence granted by a veterinary inspector.

(4) The notice may require the main occupier to erect and maintain such signs on the premises as may be required by a veterinary inspector.

(5) A veterinary inspector must revoke any notice served under paragraph (2) if satisfied, having regard to the epidemiological risk, that the prohibition is no longer necessary to reduce the risk of the spread of African horse sickness virus.

#### Commencement Information

**I11** [Reg. 11](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

### Killing horses on infected premises and contact premises and disposal of carcasses

**12.**—(1) Paragraph (2) applies in relation to horses—

- (a) on suspect premises that are contact premises,
- (b) on infected premises.

(2) The Secretary of State may arrange for the killing of all horses which are infected with African horse sickness virus or which present clinical signs of African horse sickness.

(3) If any horse is killed under paragraph (2) the Secretary of State—

- (a) must arrange for the disposal of its carcass, and
- (b) may arrange for the disposal of the carcass of any other horse that has died on those premises.

(4) The Secretary of State must ensure that any such disposal is carried out in such a way as to avoid the risk of spread of African horse sickness virus.

#### Commencement Information

**I12** [Reg. 12](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

### Revocation of notices declaring premises to be infected premises

**13.**—(1) A veterinary inspector must not revoke a notice declaring premises to be infected premises unless the Chief Veterinary Officer is satisfied that there is minimal risk of further infection from those premises.



(2) If not earlier revoked by a veterinary inspector, a notice declaring premises to be infected premises is revoked when the premises to which the notice relates cease to be within any zone declared under Part 6.

(3) Where a notice declaring premises to be infected premises is revoked by a veterinary inspector or by virtue of paragraph (2), the measures in the Schedule cease to have effect, except for the purposes of paragraph 1(4)(a) of that Schedule.

#### Commencement Information

**113** Reg. 13 in force at 21.11.2012, see [reg. 1\(c\)](#)

## PART 4

### Slaughterhouses

#### Imposition of initial controls at slaughterhouses

**14.**—(1) This regulation applies—

(a) where—

(i) the Secretary of State has been notified under regulation [5\(1\)](#) that it is suspected that a horse or carcase at a slaughterhouse is infected with African horse sickness virus, and

(ii) a veterinary inspector considers that further investigation relating to the possible presence of African horse sickness virus is necessary; or

(b) where for any other reason a veterinary inspector considers that further investigation relating to the possible presence of African horse sickness virus at a slaughterhouse is necessary.

(2) Where paragraph (1)(a) applies, a veterinary inspector must inform (orally or otherwise) the person who gave the notification that further investigation is necessary, and the controls in paragraph (5) then apply.

(3) A veterinary inspector must go to the slaughterhouse and examine the notified horse or carcase, and may examine any other horse or carcase there as the veterinary inspector considers appropriate.

(4) Where paragraph (1)(b) applies, a veterinary inspector may by notice served on the person in charge of the slaughterhouse impose the controls in paragraph (5).

(5) The controls are that the person in charge of the slaughterhouse must ensure that—

(a) no horse or carcase is moved from the slaughterhouse,

(b) any notified horse and any other horse from the same premises as the notified horse is not slaughtered unless authorised to do so by a veterinary inspector, and

(c) if any notified horse or any horse from the same premises as a notified horse has already been, or is subsequently, slaughtered or has died, its carcase is specifically identified and retained at the slaughterhouse until a veterinary inspector has examined it, and taken samples if considered necessary.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The African Horse Sickness (England) Regulations 2012. (See end of Document for details)*

#### Commencement Information

**I14** Reg. 14 in force at 21.11.2012, see [reg. 1\(c\)](#)

#### Action following examination

**15.**—(1) This regulation applies where a veterinary inspector has acted under regulation [14\(3\)](#).

(2) If a veterinary inspector is satisfied that African horse sickness virus does not exist in any horse or carcase at the slaughterhouse a veterinary inspector must confirm this (orally or otherwise) to the person in charge of the slaughterhouse.

(3) If the presence of African horse sickness virus cannot be ruled out, a veterinary inspector—

- (a) may by notice served on the person in charge of the slaughterhouse vary the controls applicable under regulation [14\(2\)](#) or imposed by notice under regulation [14\(4\)](#),
- (b) may take samples and test them to establish the presence of that virus at the slaughterhouse<sup>(11)</sup>.

(4) If the Chief Veterinary Officer is satisfied that tests carried out under this regulation demonstrate that African horse sickness virus is not present in the slaughterhouse a veterinary inspector must confirm this (orally or otherwise) to the person in charge of the slaughterhouse.

(5) Paragraph (6) applies where the Chief Veterinary Officer is satisfied as a result of—

- (a) any test carried out under this regulation, or
- (b) any clinical signs in any horse at the slaughterhouse or any other premises where any horse at the slaughterhouse has recently been,

that African horse sickness virus is present in a horse or carcase at the slaughterhouse.

(6) Where this paragraph applies, the Secretary of State must ensure that all carcasses of infected horses are disposed of in such a way as to avoid the risk of spread of African horse sickness virus<sup>(12)</sup>.

(7) Where confirmation is given under paragraph (2) or (4), or following the disposal of carcasses under paragraph (6)—

- (a) any controls applicable under regulation [14\(2\)](#) (and, where applicable, as varied under paragraph (3)(a)) cease to have effect,
- (b) any notice served under regulation [14\(4\)](#) (and, where applicable, as varied under paragraph (3)(a)) is revoked.

#### Commencement Information

**I15** Reg. 15 in force at 21.11.2012, see [reg. 1\(c\)](#)

<sup>(11)</sup> See also the power of the Secretary of State under regulation [17](#) to declare a temporary movement restriction zone.

<sup>(12)</sup> See also the power of the Secretary of State under regulation [18](#) to declare a control zone, protection zone and surveillance zone.

## PART 5

### Non-captive horses

#### Suspicion relating to non-captive horses

**16.**—(1) This regulation applies where a veterinary inspector suspects that a non-captive horse may be infected with African horse sickness virus.

(2) A veterinary inspector must take all reasonable steps to establish whether or not that suspicion is correct.

(3) Where a veterinary inspector concludes that African horse sickness virus is likely to be present in such a horse the Secretary of State must take such steps as the Secretary of State considers appropriate (which may include the declaration of an infection zone under regulation 19) to reduce the risk of that virus spreading to other horses.

(4) For the purposes of paragraph (3), a veterinary inspector may by notice served on the main occupier of premises impose restrictions on the movement of horses or impose such other measures in relation to those premises that the Chief Veterinary Officer considers necessary.

(5) The steps referred to in paragraph (2) or (3) need not be taken if the Secretary of State is satisfied that taking those steps is not likely to reduce the risk of African horse sickness virus spreading.

(6) A veterinary inspector and, when acting under the direction of a veterinary inspector, an inspector, another officer of the Secretary of State or any other person with the necessary expertise may enter any premises (except any premises used wholly or mainly as a private dwelling house) to—

- (a) undertake surveillance of non-captive horses;
- (b) capture and detain them;
- (c) vaccinate them;
- (d) take samples from them;
- (e) kill them if the Chief Veterinary Officer is satisfied that it is necessary for the control of African horse sickness, and in particular if—
  - (i) it is not reasonably practicable to take samples from them without killing them;
  - (ii) it is not reasonably practicable to detain them pending the results of any testing or sampling; or
  - (iii) they are spreading or may spread African horse sickness virus or are at risk of acquiring African horse sickness virus.

(7) A justice of the peace may by signed warrant permit a veterinary inspector and, when acting under the direction of a veterinary inspector, a person referred to in paragraph (6)), to enter any premises, if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied—

- (a) that there are reasonable grounds to enter those premises for the purpose of executing or enforcing these Regulations; and
- (b) that any of the conditions in paragraph (8) are met.

(8) The conditions are—

- (a) entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
- (b) asking for admission to the premises, or giving such a notice, would defeat the object of the entry;

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- (c) entry is required urgently; or
  - (d) the premises are unoccupied or the occupier is temporarily absent.
- (9) A warrant is valid for three months.
- (10) A person entering any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

#### Commencement Information

**I16** Reg. 16 in force at 21.11.2012, see [reg. 1\(c\)](#)

## PART 6

### Area controls

#### Temporary movement restriction zone

**17.—(1)** This regulation applies where premises are suspect premises or where a veterinary inspector has taken samples under regulation 15(3) from a horse or carcass at a slaughterhouse.

(2) Where the Secretary of State considers it necessary to reduce the risk of spread of African horse sickness virus, a temporary movement restriction zone may be declared by the Secretary of State around the suspect premises or the slaughterhouse (as the case may be).

(3) The temporary movement restriction zone must be of such size as the Secretary of State considers necessary having regard to the risk of spread of African horse sickness virus.

(4) Within the temporary movement restriction zone no person may move any horse or carcass to or from premises or any equipment or genetic material off premises, except under the authority of a licence granted by a veterinary inspector.

(5) If the Secretary of State considers it necessary to reduce the risk of spread of African horse sickness virus, the Secretary of State may in the declaration of the temporary movement restriction zone impose any other measures.

#### Commencement Information

**I17** Reg. 17 in force at 21.11.2012, see [reg. 1\(c\)](#)

#### Control zone, protection zone and surveillance zone

**18.—(1)** This regulation applies where premises are infected premises or where tests under regulation 15 indicate the existence of African horse sickness virus in a horse or carcass at a slaughterhouse.

(2) The Secretary of State may declare a control zone, and in addition may declare a protection zone and surveillance zone, around the infected premises or the slaughterhouse (as the case may be).

(3) The control zone must have a radius of at least 20 kilometres, the protection zone must have a radius of at least 100 kilometres and the surveillance zone must have a radius of at least 150 kilometres, each centred on the part of the premises that the Secretary of State considers most appropriate for disease control.

(4) The Secretary of State must ensure that within those zones—

- (a) premises that contain horses are identified as far as is reasonably practicable and without unduly diverting resources from preventing the spread of disease,
- (b) a veterinary inspector visits in a systematic way as directed by the Chief Veterinary Officer any such identified premises, and—
  - (i) inspects and as necessary examines the horses; and
  - (ii) collects and tests such samples as the Chief Veterinary Officer considers necessary.
- (5) The Schedule sets out measures that apply in relation to premises in a control zone.
- (6) When the control zone is revoked, the measures in the Schedule cease to have effect, except for the purposes of paragraph 1(4)(a) of that Schedule.
- (7) No person may move any horse, or any semen, ovum or embryo of a horse—
  - (a) out of a protection zone, or
  - (b) out of a surveillance zone to an area outside any zone,except under the authority of a licence granted by a veterinary inspector.
- (8) No person may move from premises within a protection zone or a surveillance zone—
  - (a) any ass, donkey, zebra, mule or other hybrid of these except under the authority of a licence granted by a veterinary inspector;
  - (b) any other horse that shows clinical signs of African horse sickness on the day of the proposed move.
- (9) The Secretary of State may declare that any other measure considered necessary to reduce the risk of spread of African horse sickness virus applies in respect of the whole or any part of the control zone, protection zone or surveillance zone.

**Commencement Information**

**I18** [Reg. 18](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

**Infection zones**

- 19.**—(1) This regulation applies where a veterinary inspector concludes that African horse sickness virus is likely to be present in a non-captive horse.
- (2) The Secretary of State may declare an infection zone of such size as the Secretary of State considers necessary to reduce the risk of spread of African horse sickness virus.
- (3) The Secretary of State may declare—
  - (a) restrictions on the movement of horses into or out of the infection zone;
  - (b) that any other measure considered necessary to reduce the risk of spread of African horse sickness virus applies in respect of the whole or any part of the infection zone.

**Commencement Information**

**I19** [Reg. 19](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

**Declaration of zones where African horse sickness suspected or confirmed outside England**

- 20.**—(1) This regulation applies where—

**Status:** Point in time view as at 31/12/2020.

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- (a) the presence of African horse sickness virus is suspected or officially confirmed for the purposes of Council Directive 92/35/EEC laying down control rules and measures to combat African horse sickness(13) outside England, and
  - (b) the Secretary of State considers that there is a risk of spread of African horse sickness virus to England.
- (2) The Secretary of State may declare in England any of the following—
- (a) a temporary movement restriction zone;
  - (b) a control zone;
  - (c) a protection zone;
  - (d) a surveillance zone;
  - (e) an infection zone.
- (3) Any zone declared under this regulation must be of such size as the Secretary of State considers necessary to reduce the risk of spread of African horse sickness virus.
- (4) Regulations 17(4) and (5), 18(5) to (9) and 19(3) apply to any zone declared under this regulation as if it were a zone declared under regulation 17, 18 or 19 (as applicable).

#### Commencement Information

**I20** Reg. 20 in force at 21.11.2012, see [reg. 1\(c\)](#)

#### Declaration of zones

- 21.**—(1) A declaration of a zone under these Regulations—
- (a) must be in writing;
  - (b) must designate the extent of the zone being declared;
  - (c) may be amended or revoked by further declaration at any time.
- (2) Unless the Secretary of State states otherwise in any declaration of a zone, any movement which is prohibited but has already started when such a declaration comes into force may be completed.
- (3) Any person on whom a restriction or other measure is imposed by virtue of a declaration under regulation 17(5), 18(9), or 19(3) must comply with it.
- (4) In deciding to amend or revoke any declaration of a zone, the Secretary of State must have regard to the epidemiological situation and the measures necessary to control the spread of African horse sickness virus.

#### Commencement Information

**I21** Reg. 21 in force at 21.11.2012, see [reg. 1\(c\)](#)

#### Premises straddling zones

- 22.**—(1) Premises partly inside and partly outside a temporary movement restriction zone declared under regulation 17 or 20 are treated as being inside the temporary movement restriction zone.

(2) Premises partly inside and partly outside a control zone declared under regulation 18 or 20 are treated as being inside the control zone.

(3) Premises partly inside and partly outside a protection zone declared under regulation 18 or 20 in an area other than in a control zone are treated as being inside the protection zone.

(4) Premises partly inside a surveillance zone declared under regulation 18 or 20 and partly in an area other than a protection zone are treated as being inside the surveillance zone.

(5) Premises partly inside and partly outside an infection zone declared under regulation 19 or 20 are treated as being inside the infection zone.

**Commencement Information**

I22 Reg. 22 in force at 21.11.2012, see reg. 1(c)

**Publicity**

23. The Secretary of State must publicise—

- (a) the extent of any zone declared under these Regulations;
- (b) the nature of the restrictions and requirements relating to that zone; and
- (c) the dates of the declaration and ending of that zone.

**Commencement Information**

I23 Reg. 23 in force at 21.11.2012, see reg. 1(c)

## PART 7

### Vaccination

**Prohibition on vaccination except in certain cases**

24. No person may vaccinate a horse against African horse sickness except in accordance with these Regulations or under the authority of a licence granted by a veterinary inspector.

**Commencement Information**

I24 Reg. 24 in force at 21.11.2012, see reg. 1(c)

**Compulsory vaccination**

25.—(1) The Secretary of State may declare a vaccination zone, other than in a surveillance zone.

(2) Where a vaccination zone has been declared, any occupier of premises inside that zone must ensure the vaccination of horses on their premises in accordance with that declaration, but this is subject to paragraph (4).

(3) Premises partly inside and partly outside a vaccination zone are treated as being inside that zone.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The African Horse Sickness (England) Regulations 2012. (See end of Document for details)*

(4) A veterinary inspector may serve a notice on any person in possession or charge of a horse, other than one kept in a surveillance zone, requiring that person to vaccinate the horse in accordance with the notice (whether or not a vaccination zone has been declared under paragraph (1)).

**Commencement Information**

**I25** Reg. 25 in force at 21.11.2012, see **reg. 1(c)**

**Vaccinated horses**

**26.**—(1) The person in possession or charge of a horse that has been vaccinated against African horse sickness must ensure that the horse is identified by way of a microchip and a record of such horse having been vaccinated is kept.

(2) No person may move a vaccinated horse from the premises where it was vaccinated until at least 60 days have elapsed since—

- (a) the date of the vaccination, or
- (b) if the vaccination includes a course of doses, the date of the final dose,

except under the authority of a licence granted by a veterinary inspector.

**Commencement Information**

**I26** Reg. 26 in force at 21.11.2012, see **reg. 1(c)**

## PART 8

### Inspection, enforcement and miscellaneous provisions

**Notices**

**27.**—(1) Any notice served or given under these Regulations must be in writing and may be amended, suspended or revoked in writing at any time.

(2) A notice may be served on or given to a person by—

- (a) personal delivery;
- (b) leaving it at the person’s proper address; or
- (c) sending it by post or by electronic means to the person’s proper address.

(3) In the case of a body corporate, a notice may be served on or given to an officer of that body.

(4) In the case of a partnership, a notice may be served on or given to a partner or a person having control or management of the partnership business.

(5) In the case of an unincorporated association, a notice may be served on or given to an officer of the association.

(6) For the purposes of this regulation and section 7 of the Interpretation Act 1978(14) (service of documents by post) in its application to this regulation, “proper address” means—

- (a) in the case of a body corporate or an officer of that body—
  - (i) the registered or principal office of that body, or

(14) 1978 c. 30.



- (ii) the email address of the officer;
  - (b) in the case of a partnership or a partner or person having control or management of the partnership business—
    - (i) the principal office of the partnership, or
    - (ii) the email address of a partner or a person having that control or management;
  - (c) in the case of an unincorporated association or an officer of the association—
    - (i) the office of the association, or
    - (ii) the email address of the officer;
  - (d) in any other case, a person’s last known address, which includes an email address.
- (7) For the purposes of paragraph (6), the principal office of a body corporate registered outside the United Kingdom or of a partnership established outside the United Kingdom is its principal office in the United Kingdom.
- (8) If the name or address of any occupier of premises on whom a notice is to be served or given under these Regulations cannot, after reasonable inquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.
- (9) A person must comply with the terms of any notice served under these Regulations.
- (10) In this regulation—
- “body corporate” includes a limited liability partnership;
  - “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate;
  - “officer”, in relation to a body corporate, means any director, manager, secretary or other similar officer of the body corporate;
  - “partnership” does not include a limited liability partnership.

#### Commencement Information

I27 Reg. 27 in force at 21.11.2012, see [reg. 1\(c\)](#)

### Licences

- 28.—(1) A licence granted under these Regulations must be in writing and may be—
- (a) general or specific;
  - (b) subject to conditions; and
  - (c) amended, suspended or revoked in writing at any time.
- (2) A person moving any horse, equipment or genetic material under the authority of a specific licence must—
- (a) carry the licence or a copy of it at all times during the movement, and
  - (b) on demand by an inspector or other officer of the Secretary of State, produce the licence or a copy and allow a copy or extract to be taken.
- (3) Where a licence is required or authorised under these Regulations to be granted by a veterinary inspector, it may also be granted by an inspector acting under the direction of a veterinary inspector.
- (4) A person moving any horse, equipment or genetic material under the authority of a general licence must—
- (a) carry, at all times during the movement, a document containing details of—

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- (i) what is being transported, including the quantity,
- (ii) the date of the movement,
- (iii) the name of the person responsible for the horse or equipment at both the place of departure and at the place of destination,
- (iv) the address of the place of departure and of the destination;
- (b) on demand by an inspector or other officer of the Secretary of State, produce the document and allow a copy or extract to be taken; and
- (c) keep the document for at least six months.

(5) If any horse, equipment or genetic material has been moved to premises under a licence, a veterinary inspector may serve a notice on any occupier of the premises of destination imposing such movement restrictions on those premises as are necessary to prevent the risk of spreading African horse sickness virus.

(6) Except where otherwise directed by the Secretary of State, licences granted in Scotland or Wales for activities which could be licensed in England under these Regulations have effect in England as if they were licences granted under these Regulations, and the provisions of this regulation apply accordingly.

#### **Commencement Information**

**I28** Reg. 28 in force at 21.11.2012, see [reg. 1\(c\)](#)

#### **Powers of inspectors**

**29.**—(1) An inspector may, on producing a duly authenticated authorisation if requested, enter any premises, vehicle, vessel or trailer (except any premises used wholly or mainly as a private dwelling house) at any reasonable hour for the purpose of executing or enforcing these Regulations.

(2) A justice of the peace may by signed warrant permit an inspector to enter any premises, if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied—

- (a) that there are reasonable grounds to enter those premises for the purpose of executing or enforcing these Regulations; and
- (b) that any of the conditions in paragraph (3) are met.
- (3) The conditions are—
  - (a) entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
  - (b) asking for admission to the premises, or giving such a notice, would defeat the object of the entry;
  - (c) entry is required urgently; or
  - (d) the premises are unoccupied or the occupier is temporarily absent.
- (4) A warrant is valid for three months.

(5) An inspector entering any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

- (6) An inspector entering any premises, vehicle, vessel or trailer may—
  - (a) inspect any horse or thing there;
  - (b) take samples;

- (c) seize and destroy any equipment or genetic material;
- (d) detain or isolate any animal or thing;
- (e) mark or microchip for identification purposes any animal or thing;
- (f) carry out any inquiries, examinations and tests;
- (g) undertake surveillance for vectors and implement vector control measures (including the introduction of any sentinel horse);
- (h) have access to, inspect and copy any documents or records (in whatever form they are held) relevant to these Regulations, and remove them to enable them to be copied;
- (i) inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with records;
- (j) require by notice served on the occupier of the premises—
  - (i) any animal to be marked or microchipped for identification purposes;
  - (ii) any animal or thing (including a vehicle or trailer) to be moved to a specified destination or to be moved to or kept in a particular part of the premises;
  - (iii) the undertaking of surveillance for the presence of insects;
  - (iv) the implementation of such vector control measures as the inspector considers practical and necessary;
  - (v) horses to be retained for use as sentinel horses or sentinel horses to be introduced onto those premises.

(7) Where an inspector has entered any premises, vehicle, vessel or trailer and it is not reasonably practicable to determine whether documents on those premises are relevant to these Regulations, the inspector may seize them to ascertain whether or not they are relevant.

(8) The inspector may—

- (a) take any necessary equipment, sentinel horse or vehicle on to the premises;
- (b) be accompanied by—
  - (i) such other persons as the inspector considers necessary, <sup>F1</sup>...
  - <sup>F1</sup>(ii) .....

(9) Any power or obligation to take a sample and test it includes a power to—

- (a) re-test the sample, and
- (b) take further samples (from the animals or carcasses subject to that power or, in the case of environmental samples, take further environmental samples) and test and re-test those samples.

(10) In this regulation, a sentinel horse is a horse used for surveillance for African horse sickness virus which does not have antibodies to that virus when introduced to or retained at the premises for that purpose.

**Textual Amendments**

**F1** Reg. 29(8)(b)(ii) and word omitted (31.12.2020) by virtue of [The Exotic Disease \(Amendment\) \(England\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1406\)](#), regs. 1, **11**; 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

**I29** Reg. 29 in force at 21.11.2012, see [reg. 1\(e\)](#)

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The African Horse Sickness (England) Regulations 2012. (See end of Document for details)*

### Notice following a contravention on movement

**30.**—(1) If a horse has been moved to any premises in contravention of any provision of these Regulations or any licence or notice served under these Regulations, an inspector may serve a notice on the main occupier of those premises requiring—

- (a) that horse, or any other horse on the premises, to be detained on the premises, or
- (b) any horse on the premises to be moved to other premises specified in the notice.

(2) If a horse has been moved to other premises under such a notice, an inspector may serve a notice on any occupier of those other premises imposing such movement restrictions relating to horses on those premises as the inspector considers necessary to reduce the risk of spreading African horse sickness virus.

#### Commencement Information

**I30** [Reg. 30](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

### Change of main occupier of premises under restriction – access for welfare purposes

**31.** If there is a change of main occupier of premises under any restriction under these Regulations, the new main occupier must allow the owner of any horse on the premises, or any person acting on behalf of the owner, to enter the premises to feed or otherwise attend to the welfare of the horse during the period of restriction and for seven days following its end.

#### Commencement Information

**I31** [Reg. 31](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

### Powers of inspectors in case of default

**32.** 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.

#### Commencement Information

**I32** [Reg. 32](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

### Compensation for horses killed and things seized

**33.**—(1) The Secretary of State, in accordance with this regulation—

- (a) may pay compensation for any horse killed under regulation [12](#) or [16\(6\)\(e\)](#);
- (b) must pay compensation for anything seized under these Regulations, unless it is returned.

(2) No compensation is payable for a horse that, at the time it was killed, was affected with African horse sickness.

(3) The amount of any compensation payable under paragraph (1)(a)—

- (a) subject to sub-paragraph (b), is the value of the horse immediately before it was killed;
- (b) may not in any case exceed £2500 for any horse.

(4) The amount of any compensation payable under paragraph (1)(b)—

- (a) subject to sub-paragraph (b), is the value of the thing seized at the time of its seizure;
  - (b) in the case of any genetic material coming from the same horse, may not in any case exceed £2500 (regardless of the nature or number of items of genetic material seized).
- (5) The value of the horse or thing seized (as the case may be) is—
- (a) the amount determined in writing by the Secretary of State (“the Secretary of State’s valuation”), or
  - (b) where the determination of the value has been referred to an appointed valuer under paragraph (6), the amount determined in writing by that valuer instead.
- (6) If—
- (a) the Secretary of State’s valuation is less than £2500, and
  - (b) within 14 days after receiving the Secretary of State’s valuation, the owner of the horse killed or (as the case may be) the thing seized gives written notice to the Secretary of State disputing that valuation, with reasons,
- the Secretary of State must refer the determination of the value to an appointed valuer.
- (7) The appointed valuer must be a person—
- (a) appointed jointly by the owner and the Secretary of State for the purpose of conducting a valuation under this regulation, or
  - (b) failing agreement on such appointment within 10 days of receipt of the notice given under paragraph (6), appointed by the Secretary of State for that purpose.
- (8) The determination of value by the appointed valuer is final and binding on the Secretary of State and the owner (but this is subject to paragraphs (3)(b) and (4)(b)).
- (9) Fees charged or expenses incurred by an appointed valuer for work done under this regulation must be paid—
- (a) where the valuer’s determination is equal to or less than the Secretary of State’s valuation, by the owner,
  - (b) otherwise, by the Secretary of State.
- (10) Nothing in this regulation authorises any delay in the killing of a horse for the purposes of controlling African horse sickness.

#### **Commencement Information**

**I33** [Reg. 33](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

#### **Obstruction**

- 34.** No person may—
- (a) intentionally obstruct or impede anyone acting in the execution or enforcement of these Regulations;
  - (b) without reasonable cause, proof of which lies on the person charged, fail to give to any person acting in the execution or enforcement of these Regulations any assistance or information that is reasonably required;
  - (c) provide to anyone acting in the execution or enforcement of these Regulations any information knowing it to be false or misleading or not believing it to be true; or
  - (d) fail to produce a record when required to do so by any person acting in the execution or enforcement of these Regulations.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The African Horse Sickness (England) Regulations 2012. (See end of Document for details)*

### Commencement Information

**I34** Reg. 34 in force at 21.11.2012, see [reg. 1\(c\)](#)

### Offences and penalties

**35.**—(1) A person is guilty of an offence if that person fails to comply with any of the following provisions—

- (a) regulation [3\(4\)](#) (occupier to give reasonable assistance to enable main occupier to comply with obligations);
- (b) regulation [3\(5\)](#) (main occupier to take reasonable steps to inform other occupiers of movement restrictions arising from notice);
- (c) regulation [5\(1\)](#) or (2) (requirement to notify Secretary of State of suspect horse or carcass etc);
- (d) regulation [7\(7\)\(a\)\(i\)](#), (ii) or (iii) (prohibition on movement of notified horse or carcass; equipment or genetic material; or other horses);
- (e) regulation [7\(7\)\(b\)\(i\)](#) or (ii) (obligation to move horses and identify vectors etc);
- (f) regulation [11\(3\)](#) (prohibition on persons moving horses onto premises);
- (g) regulation [14\(5\)\(a\)](#), (b) or (c) (controls relating to slaughterhouses);
- (h) regulation [17\(4\)](#) (prohibition on unlicensed movement within temporary movement restriction zone);
- (i) regulation [18\(7\)](#) (prohibition on unlicensed movement out of protection zone or out of surveillance zone to an area free from restrictions);
- (j) regulation [18\(8\)\(a\)](#) or (b) (prohibition on unlicensed movement of asses etc or movement of horses showing clinical signs of African horse sickness);
- (k) regulation [21\(3\)](#) (obligation to comply with restrictions and measures imposed by declaration under regulation [17\(5\)](#), [18\(9\)](#), or [19\(3\)](#));
- (l) regulation [24](#) (prohibition on vaccination);
- (m) regulation [25\(2\)](#) (requirement to vaccinate in accordance with declaration of vaccination zone);
- (n) regulation [26\(1\)](#) or (2) (requirement to identify vaccinated horse and to keep records; prohibition on unlicensed movement of vaccinated horse);
- (o) regulation [27\(9\)](#) (requirement to comply with notice);
- (p) regulation [28\(2\)\(a\)](#) or (b) (requirement to carry licence or copy; requirement to produce etc licence);
- (q) regulation [28\(4\)\(a\)](#), (b) or (c) (requirement to carry document; requirement to produce etc document; requirement to keep document);
- (r) regulation [31](#) (obligation on new main occupier to allow entry for purposes of feeding or welfare);
- (s) regulation [34](#) (obstruction);
- (t) paragraph 1, 2, or 4 of the Schedule (requirement to keep records etc; requirement as to housing of horses; requirement to implement vector control);
- (u) paragraph 3 of the Schedule (prohibition on unlicensed movement).

(2) A person guilty of an offence is liable—

- (a) on summary conviction—
  - (i) in the case of conviction for an offence under paragraph (1)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (m), (o), (s) or (u) to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or both,
  - (ii) in the case of conviction for any other offence under paragraph (1) to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding six months or both.

**Commencement Information**

**I35** Reg. 35 in force at 21.11.2012, see [reg. 1\(c\)](#)

**Offences by bodies corporate**

**36.**—(1) If an offence under these Regulations committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer, or
- (b) to be attributable to any neglect on the part of an officer,

the officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) In paragraph (1) “officer”, in relation to a body corporate, means—

- (a) a director, manager, secretary or other similar officer of the body, or
- (b) a person purporting to act in any such capacity.

(3) 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 the member’s functions of management as it applies to an officer of a body corporate.

**Commencement Information**

**I36** Reg. 36 in force at 21.11.2012, see [reg. 1\(c\)](#)

**Offences by partnerships and unincorporated associations**

**37.**—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate; and
- (b) section 33 of the Criminal Justice Act 1925(15) and Schedule 3 to the Magistrates’ Courts Act 1980(16) apply in relation to the partnership or association as they apply in relation to a body corporate.

(15) 1925 c. 86. Subsections (1), (2) and (5) of section 33 were repealed by the Magistrates’ Court Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, Part 2, paragraph 19; subsection (4) was amended by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10.

(16) 1980 c. 43. Paragraph 2(a) of Schedule 3 was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 47, Schedule 1, paragraph 13, and was repealed by the Criminal Justice Act 2003 (c. 44), sections 41 and 332,

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*Changes to legislation: There are currently no known outstanding effects for the The African Horse Sickness (England) Regulations 2012. (See end of Document for details)*

(3) A fine imposed on a partnership or association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) Where an offence under these Regulations committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(5) For these purposes, “partner” includes a person purporting to act as a partner.

(6) If an offence under these Regulations committed by an unincorporated association is proved—

(a) to have been committed with the consent or connivance of, or

(b) to be attributable to any neglect on the part of, an officer of the association,

the officer, as well as the association, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(7) In paragraph (6), “officer”, in relation to an unincorporated association, means—

(a) an officer of the association or a member of its governing body, or

(b) a person purporting to act in such capacity.

#### Commencement Information

**I37** [Reg. 37](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

#### Enforcement

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

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

(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.

(4) In paragraph (1), “local authority” means—

(a) where there is an authority which is the sole principal council for its local government area (“a unitary authority”), 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 county council;

(iii) in each London borough the council of that borough; or

(iv) in the City of London the Common Council.

#### Commencement Information

**I38** [Reg. 38](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

Schedule 3, Part 2, paragraph 51 (1) and (13)(a), and Schedule 37, Part 4 (with effect from a date to be appointed); paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), sections 25(2) and 101(2) and Schedule 13; paragraph 6 was repealed by the Criminal Justice Act 2003, section 41, Schedule 3, Part 2, paragraph 51(1) and (13)(b) (with effect from a date to be appointed).



## Exceptional circumstances

39. A veterinary inspector may for the purpose of ensuring the health or welfare of any horse—
- (a) license a person to carry out any action that is otherwise prohibited under these Regulations; or
  - (b) exempt a person, by notice, from any requirement under these Regulations.

### Commencement Information

I39 Reg. 39 in force at 21.11.2012, see [reg. 1\(c\)](#)

## Amendments

40.—(1) In the Specified Diseases (Notification and Slaughter) Order 1992(17), in article 2 omit the reference to African horse sickness.

(2) In the Specified Diseases (Notification) Order 1996(18), in Part 1 of Schedule 1 omit the reference to African horse sickness.

### Commencement Information

I40 Reg. 40 in force at 21.11.2012, see [reg. 1\(c\)](#)

## Review

41.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Council Directive 92/35/EEC laying down control rules and measures to combat African horse sickness(19) (which is implemented by means of these Regulations) is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of 5 years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.

(17) S.I. 1992/3159, relevant amending instruments are S.I. 2003/130 and 2006/2166.

(18) S.I. 1996/2628, relevant amending instruments are S.I. 1998/1645, 2003/130, 2006/2166 and 2009/2713.

(19) OJ L No 157, 10.6.1992 p 19.

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**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The African Horse Sickness (England) Regulations 2012. (See end of Document for details)

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**Commencement Information**

**I41** [Reg. 41](#) in force at 21.11.2012, see [reg. 1\(c\)](#)

*David Heath*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

## SCHEDULE

Regulations 8(2), 9(9), 10(8) and 18(5)

### Measures on suspect and infected premises and on premises in a control zone

#### Records

- 1.—(1) The main occupier must keep a record of every horse on the premises.
- (2) The main occupier must take all reasonable steps to update the record to show the number of horses on the premises that—
  - (a) have died;
  - (b) show clinical signs of African horse sickness;
  - (c) have been born since restrictions under these Regulations were placed on the premises; and
  - (d) enter or leave the premises under licence.
- (3) The main occupier must ask any other occupier to report any changes in the details of their horses on the premises that are relevant to the record.
- (4) The main occupier must keep the record for at least six months after (as the case may be)—
  - (a) the revocation of the notice served under regulation 8(2), 9(8), or 10(7), or
  - (b) the premises ceasing to be within the control zone,whichever is the later.

#### Commencement Information

I42 Sch. para. 1 in force at 21.11.2012, see reg. 1(c)

#### Housing of horses

2. An occupier must ensure that every horse on the premises is kept—
  - (a) so far as is practicable on the part or parts of the premises where they may be less exposed to vectors; or
  - (b) as directed by a veterinary inspector.

#### Commencement Information

I43 Sch. para. 2 in force at 21.11.2012, see reg. 1(c)

#### Restriction on movement of horses, carcasses, equipment or genetic material

3. No person may move any horse or carcase to or from the premises or any equipment or genetic material from the premises, except under the authority of a licence granted by a veterinary inspector or an officer of the Secretary of State acting under the direction of a veterinary inspector.

#### Commencement Information

I44 Sch. para. 3 in force at 21.11.2012, see reg. 1(c)

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The African Horse Sickness (England) Regulations 2012. (See end of Document for details)

## Control of vectors

4. The main occupier must implement such practicable vector control measures as a veterinary inspector may require.

### Commencement Information

**I45** Sch. para. 4 in force at 21.11.2012, see **reg. 1(c)**

## EXPLANATORY NOTE

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

These Regulations implement in England the provisions of Council Directive [92/35/EEC](#) laying down control rules and measures to combat African horse sickness (OJ L No 157, 10.6.1992 p19). They revoke the provisions of the Specified Diseases (Notification and Slaughter) Order 1992 and the Specified Diseases (Notification) Order 1996 in so far as they apply to African horse sickness.

Part 1 is introductory and includes definitions.

Part 2 deals with notification of suspicion of African horse sickness.

Part 3 and the Schedule make provision for where African horse sickness is suspected or confirmed on premises. Part 3 also deals with premises which have a link with infected premises and makes provision, following the declaration of premises as infected premises, to prevent horses from being brought onto other premises due to the risk of African horse sickness virus spreading.

Part 4 deals with slaughterhouses.

Part 5 makes special provision for non-captive horses.

Part 6 and the Schedule make provision for the establishment of area controls by way of declaration of different zones.

Part 7 prohibits vaccination against African horse sickness except in the circumstances set out there, and contains powers to declare a vaccination zone.

Part 8 contains provisions relating to inspection, enforcement and other matters.

These Regulations are enforced by the local authority.

Breach of any of the provisions listed in regulation [35](#) is an offence punishable on summary conviction or on conviction on indictment. On summary conviction, the offence is punishable with either a fine not exceeding the statutory maximum only, or (where there is a higher risk of the disease spreading due to the breach) a fine not exceeding the statutory maximum and imprisonment for a term not exceeding three months or both. On conviction on indictment, the offence is punishable with a fine or imprisonment for a term not exceeding six months or both.

Regulation [41](#) requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that.

Regulation [2\(1\)](#) refers to British Standard 7320, copies of which can be obtained from the website of the British Standards Institute (BSI), from any of the sales outlets operated by the BSI or by post from BSI Customer Services, 389 Chiswick High Road, London, W4 4AL.

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The African Horse Sickness (England) Regulations 2012. (See end of Document for details)

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is published on [www.ialibrary.bis.gov.uk/uploaded/DEFRA0113%20AHS%20Final%20IA.pdf](http://www.ialibrary.bis.gov.uk/uploaded/DEFRA0113%20AHS%20Final%20IA.pdf), and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The African Horse Sickness (England) Regulations 2012.