
STATUTORY INSTRUMENTS

2012 No. 2629

The African Horse Sickness (England) Regulations 2012

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;
- (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

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

Changes to legislation:

There are currently no known outstanding effects for the The African Horse Sickness (England) Regulations 2012, PART 5.