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STATUTORY INSTRUMENTS

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**2001 No. 2374 (W. 198)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease (Prohibition of Vaccination) (Wales)  
Regulations 2001**

*Made*

*2nd July 2001*

*Coming into force*

*3rd July 2001*

The National Assembly for Wales, being designated (a) for the purposes of section 2(2) of the European Communities Act 1972 (b) in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred on it by that section, and of all other powers enabling it in that behalf, makes the following Regulations:

**Citation, application and commencement**

1. These Regulations may be cited as the Foot-and-Mouth Disease (Prohibition of Vaccination) (Wales) Regulations 2001; they apply to Wales and come into force on 3rd July 2001.

**Interpretation**

2. In these regulations, unless the context otherwise requires -

"animal" means any animal of the bovine, ovine, caprine or porcine species or any other biungulate;

"the Directive" means Council Directive 85/511/EEC introducing Community measures for the control of foot-and-mouth disease (c) (as amended, in particular by Council Directive 90/423/EEC of 26 June 1990(d));

"inspector" means a person appointed by the National Assembly for Wales or a local authority to be an inspector for the purposes of these Regulations;

"local authority" means a county council or a county borough council in Wales; and

"premises" includes any place, installation, vehicle (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, ship, vessel, boat, craft, hovercraft or aircraft.

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(a) S. I. 1999/2788.

(b) 1972 c. 68.

(c) O.J. L315, 26/11/1985 p. 11-18.

(d) O.J. L 224, 18/8/1990 p. 13-18.

### **Vaccination against foot-and-mouth disease**

3. -(1) No person shall vaccinate an animal against foot-and-mouth disease except under the authority of, and in accordance with any conditions specified in, a licence in writing granted by the National Assembly for Wales.

(2) Paragraph (1) of this regulation shall not apply to anything done by a person licensed by the National Assembly for Wales under article 4 of the Specified Animal Pathogens Order 1998 (a).

### **Powers of inspectors**

4. -(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may-

- (a) carry out inspections of and take blood samples from any animals on the premises;
- (b) take with him a representative of the European Commission acting for the purposes of the Directive.

### **Obstruction**

5. -(1) No person shall-

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of his functions under these Regulations, or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

### **Offences by bodies corporate**

6. -(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 officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

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

(2) For the purposes of paragraph (1) above, "director" in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

### **Penalties**

7 -(1) A person contravening any provision of these Regulations shall be guilty of an offence.

(2) A person guilty of an offence under regulation 5(1)(a) or (b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable-

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(a) S.I. 1998/463.

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

**Enforcement**

8. These Regulations shall be enforced by the local authority or the National Assembly for Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (a)

2nd July 2001

John Marek  
Deputy Presiding Officer of the  
National Assembly for Wales

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(a) 1998 C.38.

## EXPLANATORY NOTE

*(The Note is not part of the Regulations)*

These Regulations implement the requirement on Member States in Article 13 of Council Directive 85/511/EEC introducing Community measures for the control of foot-and-mouth disease (O.J. L315, 26/11/1985 p. 11-18) (as amended, in particular by Council Directive 90/423/EEC of 26 June 1990 (O.J. L224, 18/08/1990 p.13-18) to ensure that the use of foot-and-mouth vaccines is prohibited, except where the use of such vaccine is expressly authorised by decision of the European Commission.

These Regulations prohibit vaccination against foot-and-mouth disease in Wales except under the authority of a licence issued by the National Assembly for Wales (regulation 3(1)). Regulation 3(2) provides an exemption for vaccination carried out by persons licensed to handle foot-and-mouth disease virus by the National Assembly for Wales under the Specified Animal Pathogens Order 1998.

Breach of the Regulations is an offence (regulation 7). A person guilty of an offence is liable-

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

Persons guilty of intentionally obstructing or failing to assist persons acting in execution of the Regulations are only liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment not exceeding 3 months or to both.

The Regulations make provision for offences by bodies corporate (regulation 6).

The Regulations are enforced by the local authority or the National Assembly for Wales (regulation 8).

A Regulatory Appraisal has not been prepared for these Regulations.

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