
WELSH STATUTORY INSTRUMENTS

2003 No. 399 (W.56)

ANIMALS, WALES

ANIMAL HEALTH

The Movement of Animals (Restrictions) (Wales) Order 2003

Made - - - - 26th February 2003

Coming into force - - 28th February 2003

The National Assembly for Wales and the Secretary of State, acting jointly in exercise of the powers conferred on them by sections 1, 8(1), 17(1), 23, 83(2), 87(2) and (5) and 88(2) and (4) of the Animal Health Act 1981⁽¹⁾, make the following Order—

Title, commencement and application

1. This Order may be cited as the Movement of Animals (Restrictions) (Wales) Order 2002, comes into force on 28th February 2003 and applies in relation to Wales.

Extension of definition of “animals” and “disease”

2. For the purposes of the Animal Health Act 1981 in its application to this Order—
- (a) the definition of “animals” in section 87(1) of that Act is extended so as to comprise any kind of mammal except man and any kind of four-footed beast which is not a mammal; and
 - (b) the definition of “disease” in section 88(1) of that Act is extended so as to comprise any disease of animals.

Interpretation and application

- 3.—(1) In this Order—
- “premises” includes land with or without buildings; and

(1) 1981 c. 22. See section 86(1) for the definitions of “the Ministers” and “the Minister”. Functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) were transferred so far as exercisable by the Secretary of State for Wales in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The joint functions of “the Ministers” exercisable by the Secretary of State for Scotland in relation to Wales were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999, S.I. 1999/3141. All 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).

“primary route” has the same meaning as in the Traffic Signs Regulations and General Directions 1994(2).

(2) Where a power contained in this Order could be exercised under the provisions of any other Order, the power under this Order may be exercised in addition to, or instead of, the power in the other Order.

Restrictions on movement of animals in cases of disease or suspected disease

4.—(1) If a veterinary inspector suspects that disease exists on any premises or means of transport, he or she may serve a notice on the person in charge of the premises or means of transport prohibiting the movement of any animal, carcase or other thing on to or from those premises or that means of transport, except under the authority of a licence issued by a veterinary inspector.

(2) A notice issued under paragraph (1) may contain such other restrictions or requirements with regard to the premises or means of transport or with regard to persons, animals, carcasses or other things on the premises or means of transport as the veterinary inspector considers necessary for the purpose of preventing the spread of disease.

(3) If any person contravenes a notice issued under this article in so far as it applies to an animal, the National Assembly for Wales, the Secretary of State or an inspector of a local authority, may seize or detain that animal and may dispose of it in such manner as he considers necessary to prevent the spread of disease.

(4) Any expenses incurred by the National Assembly for Wales, the Secretary of State or inspector in exercise of the powers under paragraph (3) are recoverable as a civil debt, by the National Assembly for Wales, the Secretary of State or local authority, from the person in default.

Declaration of infected area

5.—(1) If the National Assembly for Wales or the Secretary of State suspects that disease exists in any area they may make an Order declaring that area to be an infected area to which the provisions of article 6 apply.

(2) An Order under paragraph (1) must specify—

- (a) the disease in respect of which the infected area is being declared; and
- (b) the species of animal to which the provisions of article 6 are to apply.

(3) Any premises which are partly inside and partly outside the infected area are deemed to be wholly inside that area.

Restrictions on movement of animals within and out of an infected area

6.—(1) The movement by any person of an animal to which this article applies, out of an area declared to be an infected area under this Order, is prohibited except —

- (a) under the authority of a licence issued by a veterinary inspector or an inspector acting under the direction of a veterinary inspector; or
- (b) where the animal is transiting the area by train or in a vehicle by the shortest available route using motorways or primary routes without being unloaded.

(2) The movement by any person of an animal to which this article applies, from any premises in an area declared to be an infected area under this Order, is prohibited, except under the authority of a licence issued by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

Veterinary investigation as to the existence of disease

7.—(1) Where, for any reason, the National Assembly for Wales or Secretary of State considers it necessary to establish whether or not disease exists on any premises or means of transport, a veterinary inspector may carry out such inquiries, examinations and tests and take such samples as he or she considers necessary.

(2) A veterinary inspector may mark, or cause to be marked, for identification purposes any animal, carcass or other thing in relation to which any of the powers under paragraph (1) have been exercised.

(3) The defacing, obliteration or removal of any mark applied under paragraph (2) is prohibited.

(4) The person in charge of the premises or means of transport or any person in his or her employment must render such reasonable assistance to a veterinary inspector as he or she may require for the purpose of facilitating the exercise of his or her powers under paragraph (1) or (2).

Restriction on the movement of animals in order to ascertain the presence of disease

8. Where a veterinary inspector is carrying out an investigation under article 7, he or she may—

- (a) where the animals under investigation are on premises, serve a notice on the person in charge of the premises, restricting the movement of any animal on to or off those premises; and
- (b) where the animals under investigation are on a means of transport, serve a notice on the person in charge of the animals or the means of transport requiring him or her to move the animals to such place as may be specified in the notice.

Cleansing and disinfection

9. A veterinary inspector may serve a notice on the person in charge of any premises or means of transport in respect of which a notice under article 4 has been issued, requiring him or her to cleanse and disinfect those premises or that means of transport in accordance with the requirements of that notice.

General provisions as to notices and licences

10.—(1) All licences and notices under this Order must be in writing, may be subject to conditions and may be varied, suspended or revoked by a veterinary inspector in writing at any time.

(2) A licence issued under this Order must accompany whatever is being moved under its authority and any person acting under the authority of such a licence must, on demand made by the National Assembly for Wales, the Secretary of State or by an inspector of the local authority or by a constable—

- (a) produce the licence;
- (b) allow a copy or extract to be taken; and
- (c) furnish his or her name and address.

General powers

11.—(1) If any person moves any animal or thing in contravention of a licence or notice issued under this Order, the National Assembly for Wales, the Secretary of State or an inspector of the local authority may, without prejudice to any proceedings for an offence arising out of such contravention, serve a notice on the person in charge of that animal or thing, requiring him or her to move it in accordance with the requirements of the notice.

(2) If any person on whom a notice has been served under article 9 fails to comply with the requirements of that notice, the National Assembly for Wales, the Secretary of State or an inspector of the local authority may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out, the cleansing and disinfection required by the notice.

(3) Any expenses reasonably incurred by the National Assembly for Wales, the Secretary of State or inspector of the local authority in the exercise of the powers under paragraphs (1) or (2) are recoverable as a civil debt by the National Assembly for Wales, the Secretary of State or the local authority, from the person in default.

Local authority to enforce Order

12. The provisions of this Order must, except where otherwise expressly provided, be executed and enforced by the local authority.

Revocations

13. The following Orders are revoked in so far as they apply to Wales—

- (a) The Disease of Animals (Ascertainment of Disease) Order 1985;⁽³⁾ and
- (b) The Movement of Animals (Restrictions) Order 1990⁽⁴⁾;

Signed on behalf of the National Assembly for Wales

25th February 2003

D.Elis-Thomas
Presiding Officer

Department for Environment, Food and Rural
Affairs
26th February 2003

E.A. Morley
Parliamentary Under Secretary of State

⁽³⁾ S.I. 1985/1765.

⁽⁴⁾ S.I. 1990/760 as amended by S.I. 1991/1251.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in relation to Wales, revokes and remakes the provisions of the Disease of Animals (Ascertainment of Disease) Order 1985 ([S.I.1985/1765](#)) and the Movement of Animals (Restrictions) Order 1990 ([S.I.1990/1251](#)).

The main changes enacted in this Order are —

- (a) an extension of the application of the Order to the presence of disease on means of transport as well as on premises; and
- (b) new powers for veterinary inspectors to prohibit the movement of animals while investigating whether disease is on the premises or means of transport (article 8(1)).

A Regulatory Appraisal has not been prepared for this Order.