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WELSH STATUTORY INSTRUMENTS

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**2006 No. 179 (W. 30)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease (Wales) Order 2006**

*Made* - - - - *31 January 2006*

*Coming into force* - - *1 February 2006*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 1, 2, 7(1), 8(1), 13, 15(3), 15(4), 17(1), 23, 25, 26(1), 26(2), 28, 34(7), 38(1), 65A(3), 83(2), 87(2) and 87(5) of the Animal Health Act 1981 <sup>M1</sup> makes the following Order:

**Marginal Citations**

**M1** 1981, c. 22. Amended by the Animal Health Act 2002, c. 42. Functions under the 1981 Act are now vested in the National Assembly by virtue of [S.I. 1999/672](#) and [S.I. 2004/3044](#).

**PART 1**

**Introduction**

**Title, application and commencement**

- 1.—(1) The title of this Order is the Foot-and-Mouth Disease (Wales) Order 2006.
- (2) It applies in relation to Wales and comes into force on 1 February 2006.

**Extension of definitions of “animals” and “poultry”**

2. For the purposes of the Act in its application to the disease and to this Order—
  - (a) the definition of “animals” in section 87(1) of the Act is extended to include all four-footed beasts;
  - (b) the definition of “poultry” in section 87(4) of the Act is extended to include all birds.

**Interpretation**

- 3.—(1) In this Order—

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*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

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“the Act” means the Animal Health Act 1981;

“animal gathering” means an event at which animals are brought together, including a market, show or fair, but not any occasion at which animals are brought together on the premises on which they are kept;

“animal product” means anything originating or made (whether in whole or in part) from an animal or from a carcass;

“border inspection post” means a place specified as a border inspection post in Schedule 2 to the Animal and Animal Products (Import and Export) (Wales) Regulations 2005<sup>M2</sup>;

“bovine animal” includes buffalo and bison;

“Chief Veterinary Officer” means the Chief Veterinary Officer appointed by the National Assembly;

“collecting centre” means premises used for the intermediate reception of animals intended to be moved elsewhere;

“contact premises” means any premises declared to be contact premises under article 14(2);

“contaminated” means directly or indirectly exposed to disease;

“the Directive” means Council Directive [2003/85/EC](#) on Community measures for the control of foot-and-mouth disease repealing Directive [85/511/EEC](#) and Decisions [89/531/EEC](#) and [91/665/EEC](#) and amending Directive [92/46/EEC](#)<sup>M3</sup>;

“disease” means foot-and-mouth disease;

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“emergency slaughter” means slaughter in emergency circumstances of animals which are not infected or contaminated and includes slaughter for welfare purposes;

“fodder” means animal feed and includes hay, straw and forage;

“free unit” means a separate production unit declared to be a free unit under sub-paragraph 2A(6) of Schedule 3 to the Act or under article 13(1);

“fresh meat” means meat (including offal and any meat preparation) that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum wrapped or wrapped in a controlled atmosphere;

“health marked” means bearing the health mark required by article 5(2) of Regulation (EC) No. [854/2004](#) of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>M4</sup>,

“horse” means a domestic animal of the equine or asinine species or a crossbreed of those species;

“identification marked” means bearing the identification mark required by article 5(1) of Regulation (EC) No. [853/2004](#) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>M5</sup>;

“incubation period” means—

- (a) for cattle, pigs and other bovine animals and swine, 14 days; and
- (b) for other susceptible animals, 21 days;

“infected” means affected with disease;

“infected premises” means any premises declared to be infected premises under article 12(10);

“infection date” means, in respect of any premises, the date confirmed by the Chief Veterinary Officer under article 12(8) as the earliest date disease was present there;

- “inspector” means an inspector appointed under the Act;
- “keeper” means any person responsible for animals, whether on a permanent or temporary basis, but does not include a person who is responsible for animals solely because he or she is transporting them;
- “litter” means any substance which has been used for the bedding of animals;
- “local authority” has the meaning assigned to that term by section 50(1) of the Act;
- “meat preparation” means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus eliminate the characteristics of fresh meat;
- “meat product” means a processed product resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;
- “mechanically separated meat” means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure;
- “milk” includes cream, separated milk, skimmed milk and buttermilk;
- “milk product” includes butter, cheese, yoghurt, whey and any other product the main constituent of which is milk;
- “minced meat” means boned meat that has been minced into fragments and contains less than 1% salt;
- “the National Assembly” means the National Assembly for Wales;
- “occupier” means, in relation to any premises, the person in charge of those premises;
- “overstamped” means, in relation to a health marked or identification marked item, bearing an additional diagonal cross consisting of two straight lines intersecting at the centre of the health or identification mark and allowing the information there to remain legible (whether or not that additional cross is applied by the same stamp as the mark);
- “premises” includes any land, building or other place;
- “protection zone” means a protection zone declared under article 31(1), 31(2), 32(2) or 32(3);
- “public highway” means a highway maintainable at public expense;
- [<sup>F2</sup>“Regulation (EC) No. 1069/2009” means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation);]
- [<sup>F2</sup>“Regulation (EU) No. 142/2011” means Commission Regulation (EU) No. 142/2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;]
- “restricted zone” means a restricted zone declared under article 38(1);
- “sell” means sell to the final consumer or user;
- “slaughterhouse” has the meaning given to that term in regulation 5(6) of the Food Hygiene (Wales) Regulations 2006 <sup>M6</sup>;
- “supplementary movement control zone” means a supplementary movement control zone declared under article 19(1);

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“surveillance zone” means a surveillance zone declared under article 31(1), 31(2), 32(2) or 32(3);

“susceptible animal” means a cow, bull, sheep, goat, deer, camel, llama, alpaca, guanaco, vicuna, any other ruminant, any swine (that is, a member of the suborder Suina of the order Artiodactyla), elephant or rodent (other than a pet rodent);

“suspected of being infected” means exhibiting clinical symptoms or showing post-mortem lesions or reactions to laboratory tests such that the presence of disease may reasonably be suspected;

“suspect premises” means any premises declared as suspect premises under article 12(5) or 14(1);

“temporary control zone” means a temporary control zone declared under article 16(1);

“trimmed offal” means any of—

- (a) heart from which lymphatic glands, connective tissue and adhering fat has been completely removed,
- (b) liver from which lymphatic glands, connective tissue and adhering fat has been completely removed,
- (c) whole masseter muscles,
- (d) tongues with epithelium and without bone, cartilage and tonsils,
- (e) lungs from which the trachea and main bronchi and the mediastinal and bronchial lymphatic gland have been removed,
- (f) other offal without bone or cartilage from which lymphatic glands, connective tissue, adhering fat and mucous membrane have been removed;

“vaccinate” means treat with hyperimmune serum or vaccine against the disease;

“vaccination surveillance zone” and “vaccination zone” mean, respectively, a vaccination surveillance zone and a vaccination zone declared under the Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006 <sup>M7</sup>;

“vehicle” includes—

- (a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle;
- (b) a detachable part of a vehicle;
- (c) a container or other structure designed or adapted to be carried by or on a vehicle;

“wild animal infected zone” means a wild animal infected zone declared under article 40(1).

(2) References in this Order to “emergency slaughter” mean slaughter of animals which are not suspected of infection or contamination and are not on infected premises where an inspector considers that circumstances require urgent slaughter (including slaughter for welfare reasons).

(3) References in this Order to “susceptible animals originating in” protection or surveillance zone or susceptible animals “originating on infected premises” mean—

- (a) susceptible animals kept in the protection or surveillance zone or on the infected premises, as the case may be, and
- (b) susceptible animals which were kept within the boundaries of the protection or surveillance zone or on the premises at any time during the period—
  - (i) beginning 21 days before the following date—
    - (aa) in the case of a protection zone, the earliest infection date there;

- (bb) in the case of a surveillance zone, the earliest infection date in the associated protection zone;
  - (cc) in the case of infected premises, the infection date; and
  - (ii) ending with the declaration of the protection zone, surveillance zone or infected premises, as the case may be.
- (4) References in this Order to “susceptible animals originating in” a vaccination or temporary control zone or susceptible animals “originating on” suspect or contact premises mean—
- (a) susceptible animals kept in the vaccination or temporary control zone or on the suspect or contact premises, as the case may be, and
  - (b) susceptible animals which were kept within the boundaries of the vaccination or temporary control zone or on the suspect or contact premises at any time during the period—
    - (i) beginning 21 days before the declaration of the vaccination or temporary control zone or suspect or contact premises, as the case may be, and
    - (ii) ending with that declaration.

#### Textual Amendments

- F1** Words in art. 3(1) revoked (1.4.2010) by [The Animal Health \(Divisional Veterinary Managers\) \(Wales\) Order 2010 \(S.I. 2010/618\)](#), arts. 1, 2(2), **Sch. 2**
- F2** Words in art. 3(1) inserted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), reg. 1(2)(3), **Sch. 2 para. 1(2)**

#### Marginal Citations

- M2** [S.I. 2005/1158 \(W.75\)](#).
- M3** OJ No. L306, 22.11.2003, p.1.
- M4** OJ No. L139, 30.4.2004, p.206. The revised text of the Regulation is contained in a corrigendum (OJ No. L226, 25.6.2004, p.83).
- M5** OJ No. L139, 30.4.2004, p.55. The revised text of the Regulation is contained in a corrigendum (OJ No. L226, 25.6.2004, p.22).
- M6** [S.I. 2006/31 \(W.5\)](#).
- M7** [S.I. 2006/180 \(W.31\)](#).

### Premises comprising common or unenclosed land

4. In this Order—
- (a) common or unenclosed land forms separate premises from other land unless—
    - (i) the parcels of land adjoin, and
    - (ii) all animals kept on each parcel of land are in the charge of the same keeper;
  - (b) a notice which is to be served on the occupier of premises wholly or partially comprising any common or unenclosed land is validly served if served on every keeper of animals kept there (so far as those persons are reasonably ascertainable);
  - (c) a requirement or restriction imposed on the occupier of premises wholly or partially comprising any common or unenclosed land applies to every keeper of animals kept there.

### Licences and declarations

- 5.—(1) Licences granted under this Order—
- (a) must be in writing,

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(b) may, in addition to any conditions required by this Order, be made subject to such conditions as the National Assembly considers necessary to prevent the spread of disease, and

(c) may be amended, suspended or revoked in writing at any time.

(2) Except where otherwise directed by the National Assembly, a licence granted in England or Scotland for the same purpose as a licence which may be granted under this Order is valid for that purpose in Wales and its conditions are to apply in Wales as if it was a licence granted under this Order.

(3) Declarations made under this Order must be in writing and any amendment or revocation of a declaration must be made by further declaration.

### Notices

6.—(1) Notices issued under this Order—

(a) must be in writing; and

(b) may be amended or revoked in writing at any time.

(2) Notices whose service on the occupier of any premises results in any requirement or restriction in relation to those premises must contain a description of those premises sufficient to ascertain their extent.

(3) The description referred to in paragraph (2) may be amended by a veterinary inspector if he or she is satisfied that it does not describe a single epidemiological unit in respect of disease.

### Dissemination of information concerning restrictions and requirements

7. The National Assembly must take such steps as it considers necessary to ensure that licences, declarations and notices are brought to the attention of those who may be affected by them as soon as is reasonably practicable and in particular it must ensure that the extent of any zone declared under this Order, the nature of the restrictions and requirements applicable within it and the dates of its declaration and withdrawal are publicised.

### Disinfection

8. Disinfection under this Order must be carried out with a disinfectant which is—

(a) approved for use for the purposes of Foot and Mouth Disease Orders by the Diseases of Animals (Approved Disinfectants) Order 1978<sup>M8</sup>,

(b) used at the concentration specified in that Order, and

(c) used in accordance with the manufacturer's instructions or recommendations (if any) and in particular, if use is recommended before any date, used before that date.

#### Marginal Citations

**M8** [S.I. 1978/32](#), amended by [S.I. 2005/583](#) (W.49); there are other amending instruments but none are relevant.

## PART 2

### Notification, suspicion and investigation of disease

#### Notification of disease or suspected disease

9.—(1) A person who has in his or her possession or charge an animal or carcase which is infected or suspected of being infected must immediately notify the [F3Welsh Ministers].

(2) A person who in the course of his or her occupation discovers that an animal or carcase not in his or her possession or charge is infected or suspected of being infected must immediately notify the [F3Welsh Ministers].

(3) If the occupier of any premises notifies the [F3Welsh Ministers] under this article of an animal or carcase at those premises Schedule 2 will then apply in respect of those premises.

(4) Any constable who receives notification of disease under section 15(1) of the Act must immediately inform the [F3Welsh Ministers].

[F4(5) Where notification is received under this article from a person other than the occupier of the premises where the relevant animal or carcase is located, a veterinary inspector may serve a notice on the occupier informing the occupier that—

- (a) notification has been received under this article; and
- (b) Schedule 1 applies in relation to the premises.]

(6) Paragraphs (1) and (2) do not apply to a person in possession of or carrying the disease pathogen in accordance with the terms of a licence granted under the Specified Animal Pathogens Order 1998 M9.

#### Textual Amendments

F3 Words in art. 9(1)-(4) substituted (1.4.2010) by [The Animal Health \(Divisional Veterinary Managers\) \(Wales\) Order 2010 \(S.I. 2010/618\)](#), arts. 1, 2(1), [Sch. 1](#)

F4 [Art. 9\(5\)](#) substituted (1.4.2010) by [The Animal Health \(Divisional Veterinary Managers\) \(Wales\) Order 2010 \(S.I. 2010/618\)](#), arts. 1, 7

#### Marginal Citations

M9 [S.I. 1998/463](#).

#### Notice of suspicion of disease

10.—(1) If an inspector suspects that disease exists or has within 56 days been present on any premises, he or she must immediately serve a notice on the occupier stating that fact and Schedule 2 will then apply in respect of those premises.

(2) If an inspector knows or suspects that an animal suspected of being contaminated is on any premises, he or she must immediately serve a notice on the occupier of those premises stating that fact and Schedule 2 will then apply in respect of those premises.

#### Suspicion of disease in animals in transit

11.—(1) If an inspector knows or suspects that an animal in transit is infected or contaminated he or she must immediately serve a notice on the keeper of the animal (if present) and on the person in charge of the vehicle—

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- (a) stating that fact;
- (b) directing transport of the animal and any animal with it to such premises as he or she considers appropriate; and
- (c) detaining any vehicle, equipment or other thing suspected of contamination at a suitable place until it has been cleansed and disinfected.

(2) The inspector must ensure that the occupier of premises to which animals are directed is served with a notice on their arrival stating that those premises are under restriction and Schedule 2 will then apply in respect of those premises.

(3) The person in charge of any vehicle detained under paragraph (1)(c) must cleanse and disinfect it without delay in accordance with Schedule 2 to the Transport of Animals (Cleansing and Disinfection) (Wales) (No.3) Order 2003 <sup>M10</sup> and with any additional requirements an inspector imposes by serving a notice on him or her.

(4) The person in charge of any equipment or other thing detained under paragraph (1)(c) must cleanse and disinfect it in accordance with the directions of an inspector.

#### **Marginal Citations**

**M10** [S.I. 2003/1968](#) (W.213).

### **Veterinary inquiry into the existence of disease and declaration of suspect and infected premises**

**12.**—(1) The Chief Veterinary Officer must ensure that the presence or suspicion of infection or contamination is investigated in accordance with this article by a veterinary inspector as soon as is reasonably practicable.

(2) The Chief Veterinary Officer must ensure that the presence or absence of disease on every premises in a temporary control zone where susceptible animals are, or have within 56 days before the declaration of that zone, been kept, is investigated in accordance with this article by a veterinary inspector as soon as is reasonably practicable.

(3) The veterinary inspector investigating must take all steps he or she considers necessary to determine whether disease exists or has within 56 days before the commencement of the investigation, existed on the premises and the related circumstances. In particular he or she must ensure that any samples necessary for that determination are taken (but sampling will not be considered necessary on premises which the Chief Veterinary Officer considers to be epidemiologically linked with a primary source of disease for which samples have already been taken).

(4) The veterinary officer investigating may mark any animal, carcass or other thing liable to spread disease found on the premises.

(5) If the veterinary officer investigating considers it necessary to submit a serological sample for testing to determine whether disease exists or has within 56 days existed on the premises, he or she must declare the premises to be suspect premises.

(6) The veterinary officer investigating must communicate to the Chief Veterinary Officer his or her opinion as to whether disease exists or has within 56 days before the investigation, existed on any premises under inquiry.

(7) If his or her opinion is that disease exists or has within 56 days before the investigation, existed on any premises, the veterinary officer investigating must also communicate to the Chief Veterinary Officer his or her opinions on at least the following—

- (a) the earliest date disease was present there;



- (b) the origin of disease;
  - (c) any premises which may have been contaminated from the same origin;
  - (d) the extent to which animals other than bovine animals or swine may have been infected or contaminated;
  - (e) any premises to or from which disease may have been carried;
  - (f) any other premises which he or she suspects to be contaminated;
  - (g) whether any premises under inquiry comprise two or more separate production units because they comply with the criteria in sub-paragraph 2A(7) of Schedule 3 to the Act,
- and in sub-paragraphs (c), (e) and (f), “premises” includes premises outside Wales.
- (8) The Chief Veterinary Officer must consider and may confirm every opinion communicated to him or her under this article.
- (9) If the Chief Veterinary Officer concludes after consideration of any opinion communicated to him or her under this article, that one or more of the criteria in Schedule 3 are satisfied in respect of any premises he or she must confirm disease there.
- (10) If the Chief Veterinary Officer confirms disease at any premises the National Assembly must declare those premises to be infected premises.
- (11) Declarations under this article must be by notice served on the occupier.
- (12) An infected premises is an infected place for the purpose of the Act.

### **Separate production units**

**13.**—(1) The National Assembly may by notice served on the occupier of any premises (other than infected premises) investigated under article 12, declare that they are to be regarded as two or more separate production units if the Chief Veterinary Officer advises at the time of the veterinary inquiry that in his or her opinion—

- (a) the premises comply with the criteria in paragraphs (a)-(c) of sub-paragraph 2A(7) of Schedule 3 to the Act; and
- (b) each of those sub-paragraphs has applied continuously for at least—
  - (i) 28 days immediately prior to the date of the inquiry, if only bovine animals or swine have been on the premises within that period, or
  - (ii) 42 days immediately prior to that date in any other case.

(2) A declaration under sub-paragraph (1) must identify and designate the boundaries of each separate unit and must declare every separate unit which is free of disease, to be a free unit.

(3) A unit must cease to be a free unit on—

- (a) variation of the notice declaring it such that it is no longer declared to be a free unit, or
- (b) revocation of that notice.

### **Tracing of possible disease spread**

**14.**—(1) The National Assembly must declare premises (other than infected premises) to be suspect premises if the Chief Veterinary Officer advises that he or she suspects them of contamination from premises already declared to be suspect premises or from a suspected case of disease outside Wales.

(2) The National Assembly must declare premises (other than infected or suspect premises) to be contact premises if the Chief Veterinary Officer advises either—

- (a) that disease may have been carried there from any premises, or

(b) that disease may have been carried to any premises from there, and in sub-paragraphs (a) and (b) “premises” includes premises outside Wales.

(3) Declarations under this article must be by notice served on the occupier.

(4) The National Assembly must ensure that any premises declared to be suspect or contact premises under this article are subjected to investigation in accordance with article 12 as soon as is reasonably practicable.

(5) Where, following a declaration under article 13(1), premises are to be regarded as consisting of separate production units, the National Assembly must amend any declaration under paragraph (2) to specify to or from which units disease may have been carried and only those units so specified are to form the contact premises.

(6) Schedule 2 applies in respect of suspect or contact premises declared under this article.

### **Maintenance of measures in respect of premises**

**15.**—(1) If premises are declared to be infected premises, they will no longer be suspect or contact premises.

(2) Schedule 2 will continue to apply to premises if they are declared to be infected premises.

(3) The National Assembly must not revoke any notice declaring premises to be suspect premises until it is advised by the Chief Veterinary Officer that he or she no longer suspects infection or contamination there.

(4) The National Assembly must not revoke any notice declaring premises to be contact premises until it is advised by the Chief Veterinary Officer that he or she no longer suspects that disease may have been carried there or from there.

(5) The National Assembly must not revoke any notice declaring premises to be infected until completion of the final cleansing and disinfection measures in paragraphs 15 to 17 of Schedule 1.

### **Declaration of a temporary control zone**

**16.**—(1) On declaration of any suspect premises the National Assembly must also declare a temporary control zone around those premises of such size as it considers necessary to prevent the spread of disease.

(2) If the National Assembly is satisfied that an animal or carcase in England or Scotland is suspected of being infected or contaminated, it may declare a temporary control zone in such part of Wales and of such size as it considers necessary to prevent the spread of disease.

(3) An area is to remain a temporary control zone (or part of one) until—

(a) it becomes part of a protection zone or a surveillance zone; or

(b) the National Assembly is advised by the Chief Veterinary Officer that he or she no longer suspects infection there, in which case the National Assembly must—

(i) if the area comprises the whole zone, terminate the zone by revoking the declaration, or

(ii) otherwise, amend the declaration so as to exclude that area.

(4) Any amendment or revocation of a declaration creating a temporary control zone must refer to that declaration and state the date and time it is to take effect.

(5) Any premises which are partly inside and partly outside a temporary control zone are deemed to be wholly inside it.

### **Measures applicable in respect of a temporary control zone**

17.—(1) No person is permitted to move any susceptible animal into or out of a temporary control zone, except where the movement is—

- (a) through the zone without stopping, or
- (b) necessary to complete a journey started before the creation of the zone.

(2) Subject to paragraph (3), when a temporary control zone has been declared no person is permitted to move any susceptible animal from or to premises in the zone except to complete a journey started before the creation of the zone or under the authority of a licence granted by an inspector.

(3) The National Assembly may, if it considers it necessary to prevent the spread of disease, declare that instead of the restriction in paragraph (2) all the following measures apply in a temporary control zone—

- (a) the occupier of any premises in the zone where susceptible animals are kept must create and maintain a record in accordance with paragraph 1 of Schedule 2;
- (b) the occupier of any premises in the zone where susceptible animals are kept must isolate animals in accordance with sub-paragraph 3(1) of that Schedule;
- (c) the following paragraphs of that Schedule apply to premises in the zone where susceptible animals are kept—
  - (i) paragraph 4 (movement of susceptible animals);
  - (ii) paragraph 5 (movement of things liable to spread disease);
  - (iii) paragraph 6 (movement of fodder, etc.);
  - (iv) paragraph 7 (movement of persons on to or off premises);
  - (v) paragraph 10 (movement of vehicles);
  - (vi) paragraph 11 (movement of non-susceptible animals).
- (4) The measures in paragraphs (2) and (3) apply—
  - (a) subject to article 20(2)(b), and
  - (b) without prejudice to any requirement or restriction which applies in any part of a temporary control zone because that part falls within—
    - (i) a vaccination zone or vaccination surveillance zone, or
    - (ii) a wild animal infected zone.

### **Supplementary measures in respect of a temporary control zone: straying of susceptible animals**

18.—(1) The keeper of a susceptible animal in a temporary control zone must take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a temporary control zone.

### **Declaration of supplementary movement control zone**

19.—(1) When a temporary control zone has been declared, the National Assembly may also declare a supplementary movement control zone of such size as it considers necessary to prevent the spread of disease.

- (2) A supplementary movement control zone must include its associated temporary control zone.
- (3) An area must remain a supplementary movement control zone (or part of one) until—

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- (a) it becomes part of a protection zone or a surveillance zone; or
  - (b) the associated temporary control zone is terminated;
  - (c) the National Assembly amends the declaration so as to exclude that area; or
  - (d) the National Assembly revokes the declaration.
- (4) Any amendment or revocation of a declaration creating a supplementary movement control zone must refer to that declaration and state the date and time it is to take effect.
- (5) Any premises which are partly inside and partly outside a supplementary movement control zone are deemed to be wholly inside it.
- (6) A supplementary movement control zone applies in respect of—
- (a) susceptible animals; and
  - (b) any class of non-susceptible animal specified in the declaration during a period also specified there (which must not exceed 72 hours from the zone's declaration).

### **Measures applicable in respect of a supplementary movement control zone**

**20.**—(1) No person is permitted to move any animal in respect of which a supplementary movement control zone applies from or to any premises in such a zone or into or out of such a zone except where the movement is—

- (a) through the zone without stopping,
  - (b) necessary to complete a journey started before the creation of the zone, or
  - (c) movement of a horse for veterinary treatment under the authority of a licence granted by an inspector.
- (2) Paragraph (1) applies—
- (a) without prejudice to article 17(1);
  - (b) in a temporary control zone in place of article 17(2) or 17(3)(c)(i); and
  - (c) without prejudice to any requirement or restriction which applies in any part of a supplementary movement control zone because that part falls within—
    - (i) a vaccination zone or vaccination surveillance zone, or
    - (ii) a wild animal infected zone.

(3) Any inspector granting a licence under paragraph (1)(c) must take account of the recommended measures in paragraph 2.1 of Annex VI to the Directive.

## **PART 3**

### Measures following confirmation of disease

#### **Tracing of products originating on infected premises**

**21.** The National Assembly must—

- (a) trace all milk, milk products, meat, meat products, carcasses, hides and skins and wool derived from susceptible animals originating on infected premises and direct the person in charge to arrange for the treatment, disposal or destruction of such items;
- (b) trace all semen, ova and embryos collected from susceptible animals originating on infected premises and direct the person in charge to dispose of such items;

and that person must comply with those directions.

### Notice of intention to slaughter animals

22.—(1) Subject to paragraph (2), before causing the slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act, the National Assembly must serve notice of its intention to cause such slaughter—

- (a) on the occupier of the premises where the animals are kept, or
- (b) where the animals are in transit, on the person in charge of them.

(2) This article does not apply where the National Assembly intends to cause slaughter of a stray or feral animal detained by an inspector under article 18(2) or under paragraph 2(2) of Schedule 4 or paragraph 5(2) of Schedule 6.

### Sampling and clinical examination of susceptible animals before slaughter

23. Where the National Assembly serves notice of its intention to cause slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act, it must ensure that any sampling and clinical examination it considers necessary to carry out the veterinary inquiry in article 12 is undertaken before, or immediately following, slaughter.

### Place of slaughter

24.—(1) This article applies where the National Assembly serves notice of its intention to cause slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act.

(2) Where the animals to be slaughtered are on premises slaughter must take place there without delay except where—

- (a) in the opinion of the National Assembly slaughter on those premises would be an unsatisfactory method of preventing the spread of disease, or
- (b) the premises are a slaughterhouse or border inspection post,

in which cases the National Assembly may direct that slaughter be carried out at another place it considers satisfactory for the purpose of preventing the spread of disease.

(3) Where the animals to be slaughtered are in transit, they must be transported to another place at the direction of the National Assembly as soon as is reasonably practicable.

(4) In directing transport to another place under this article the National Assembly must grant a licence under paragraphs 4(6), 7(d) and 10(b) of Schedule 2 authorising movement of the animals, persons or vehicles necessary for that action.

### Slaughter: control of carcasses

25.—(1) This article applies to premises where the National Assembly has caused slaughter under paragraph 2A or 3 of Schedule 3 to the Act.

(2) No person is permitted to move any carcase of a susceptible animal from premises to which this article applies except for disposal and under the authority of a licence granted by the National Assembly.

### Slaughter: control of faecal material

26.—(1) This article applies to premises where the National Assembly has caused slaughter under paragraph 2A or 3 of Schedule 3 to the Act.

(2) No person is permitted move any dung, manure, slurry or litter of susceptible animals from premises to which this article applies except—

- (a) for disposal and under the authority of a licence granted by the National Assembly, or

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

[<sup>F5</sup>(b) for treatment of such material from a slaughterhouse or border inspection post in accordance with Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011 and under the authority of a licence granted by the National Assembly.]

#### Textual Amendments

**F5** Art. 26(2)(b) substituted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), reg. 1(2)(3), **Sch. 2 para. 1(3)**

#### Slaughter: isolation of things liable to spread disease

27.—(1) This article applies to the occupier of—

- (a) any premises, other than a slaughterhouse or border inspection post, where the National Assembly has caused slaughter under paragraph 2A, 3(1)(a) or 3(1)(b) of Schedule 3 to the Act, and
- (b) any premises where the National Assembly has caused slaughter under paragraph 3(1)(c) of Schedule 3 to the Act, in a case where it directs that this article applies, and
- (c) any slaughterhouse or border inspection post where the National Assembly has caused slaughter under paragraph 2A or 3 of Schedule 3 to the Act, in a case where it directs that this article applies.

(2) Subject to paragraph (3) a person to whom this article applies must isolate all milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, animal feed and litter on the premises from any animal until—

- (a) the National Assembly declares by notice served on that person that all such items are free of contamination, or
- (b) all such items have been treated in accordance with its directions, or

[<sup>F6</sup>(c) the National Assembly grants a licence authorising any such item to be removed from the premises to be treated in accordance with Regulation (EC) No. 1069/2009 following which any such item may then be removed and treated in that way and in accordance with the conditions of that licence.]

(3) Paragraph (2) does not apply to milk on free units where this is authorised by a licence granted by the National Assembly and such licence must contain terms requiring that—

- (a) where it is for human consumption, milk is subjected to one of the treatments in paragraph 13 of Schedule 5; or
- (b) where it is not for human consumption, milk is subjected to one of the treatments in paragraph 14 of Schedule 5.

#### Textual Amendments

**F6** Art. 27(2)(c) substituted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), reg. 1(2)(3), **Sch. 2 para. 1(4)**

### **Slaughter: cleansing and disinfection of premises other than slaughterhouses and border inspection posts**

**28.**—(1) This article applies to any premises, other than a slaughterhouse or border inspection post, to which article 27 applies after disposal of all carcasses in accordance with article 25, and isolation of the items referred to in article 27(2).

(2) The National Assembly must ensure that the following parts of premises to which this article applies are cleansed and disinfected in accordance with Schedule 1—

- (a) all buildings, parts of the premises and vehicles used to carry susceptible animals and any other thing or place on the premises which may be contaminated; and
- (b) where the National Assembly reasonably suspects that any part of the premises normally used by humans to the exclusion of animals (including a dwelling) is contaminated with disease, that part of the premises.

### **Slaughter: cleansing and disinfection of slaughterhouses and border inspection posts**

**29.**—(1) This article applies to a slaughterhouse or border inspection post where the National Assembly has caused slaughter under paragraph 2A or 3 of Schedule 3 to the Act, after the disposal of all carcasses in accordance with article 25 and, if article 26(2)(a) applies, removal for disposal of the items referred to in that paragraph.

(2) The National Assembly must ensure that—

- (a) every building and place, any equipment, vehicle and any other thing liable to spread disease on premises to which this article applies are cleansed and disinfected in accordance with Schedule 1, and
- (b) no person moves any animal on to the premises until at least 24 hours after completion of the final measures in paragraph 17 of Schedule 1.

### **Restocking of premises following slaughter**

**30.**—(1) This article applies to any premises where the National Assembly has caused slaughter of animals under paragraph 2A or 3 of Schedule 3 to the Act.

(2) No person is permitted to restock premises to which this article applies except under the authority of a licence granted by the National Assembly and in accordance with Schedule 8.

(3) No licence is to be granted allowing re-stocking to commence—

- (a) on premises to which paragraph 22 of Schedule 1 applies until one year has elapsed following completion of such cleansing and disinfection as is undertaken, or
- (b) otherwise until 21 days after completion of the final cleansing and disinfection measures in paragraph 17 of Schedule 1 on the premises.

### **Declaration of protection and surveillance zones on confirmation of the disease in Wales**

**31.**—(1) The National Assembly must, on confirmation by the Chief Veterinary Officer of the disease on premises in Wales, other than—

- (a) a slaughterhouse or border inspection post, or
- (b) premises to which infected or contaminated animals have been transported under article 11(1)(b),

declare a protection zone and an associated surveillance zone, each of such size as it considers necessary so as to prevent the spread disease.

(2) The National Assembly may, on confirmation by the Chief Veterinary Officer of disease—

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

- (a) at a slaughterhouse or border inspection post in Wales, or
- (b) at premises in Wales to which infected or contaminated animals have been transported under article 11(1)(b),

declare a protection zone and an associated surveillance zone, each of such size as it considers necessary to prevent the spread of disease.

- (3) A declaration under this article must designate—
  - (a) the extent of the protection zone which must be centred on infected premises and of three kilometres minimum radius; and
  - (b) the extent of the surveillance zone which must be centred on the same premises and of ten kilometres minimum radius.

### **Declaration of protection and surveillance zones on confirmation of the disease in England or Scotland**

**32.**—(1) This article applies if the National Assembly is satisfied that disease is present in England or Scotland.

(2) If the National Assembly is satisfied that disease is present on premises (other than a slaughterhouse or border inspection post) in England—

- (a) it must declare a protection zone if these premises are within 3 kilometres of the border with Wales, and
- (b) it must declare a surveillance zone if these premises are within 10 kilometres of that border.

(3) If the National Assembly is satisfied that disease is present at—

- (a) any premises in England or Scotland further than ten kilometres from the border with Wales, or
- (b) a slaughterhouse or border inspection post in England within ten kilometres of the border with Wales,

it may declare a protection zone, a surveillance zone, or both, in Wales.

(4) A protection or surveillance zone declared under this article is to be in such part of Wales and of such size as the National Assembly considers necessary so as to prevent the spread of disease.

(5) Where disease has been confirmed in England a declaration under this article must designate the extent of any protection or surveillance zone declared and the National Assembly must ensure that—

- (a) any such zone abuts the border with England as the case may be,
- (b) any protection zone extends from that border such that its boundary is at least three kilometres from the premises where disease is present, and
- (c) any surveillance zone extends from that border such that its boundary is at least ten kilometres from those premises.

### **Protection and surveillance zones: general provisions**

**33.**—(1) Any premises which are partly inside and partly outside a protection zone are deemed to be wholly inside that zone.

(2) Any premises which are partly inside and partly outside a surveillance zone are deemed to be wholly inside that zone (except premises which are also partly inside a protection zone).

(3) Any protection zone or surveillance zone is an infected area for the purposes of the Act.



### Measures applicable in respect of protection and surveillance zones

34.—(1) The measures in Parts 1 and 2 of Schedule 4 apply in respect of a protection zone and those in Parts 1 and 3 of Schedule 4 apply in respect of a surveillance zone.

(2) The National Assembly may declare that any other measure it considers necessary so as to prevent the spread of disease is to apply in respect of the whole or any part of any protection or surveillance zone and any such measure will then apply in respect of that protection or surveillance zone or that part of it.

(3) The National Assembly must take into account the recommended measures in paragraph 2.2 of Annex VI to the Directive before restricting the movement of horses in a surveillance zone by a declaration under paragraph (2).

### Veterinary inspection of premises in protection and surveillance zones

35.—(1) The National Assembly must ensure that every premises within a protection zone or a surveillance zone where susceptible animals are kept is inspected by a veterinary inspector as regularly as it considers necessary to prevent spread of disease.

(2) A veterinary officer inspecting premises under this article must ensure that the inspection includes—

- (a) clinical inspection of all susceptible animals, and
- (b) inspection of the records required to be created and maintained by paragraph 1 of Schedule 4.

### Power to prohibit entry to land or agricultural buildings in a protection zone

36.—(1) Subject to paragraph (2), and with the prior written consent of the National Assembly, an inspector may, notwithstanding the existence of any public footpath or other right of way, prohibit the entry of any person—

- (a) onto any land (excluding buildings but including any common, unenclosed or waste land),  
or
- (b) into any agricultural building,

in a protection zone by causing a notice to that effect to be displayed at every entrance to that land or building.

(2) No person is permitted to enter any land or building in respect of which a notice is displayed under paragraph (1) other than—

- (a) the owner of any animal on that land or in that building or a person authorised by him, who enters for the purpose of tending that animal, or
- (b) a person entering under the authority of a licence granted by an inspector.

(3) No person is permitted to remove or alter a notice displayed under this article except at the direction of an inspector.

(4) Any prohibition on entry to land or buildings imposed under this article is revoked by termination of the protection zone.

(5) Any prohibition on entry to land or buildings imposed under this article may be revoked in whole or in part by—

- (a) removal of all relevant notices in accordance with the directions of an inspector, or
- (b) a declaration of the National Assembly.

### **Termination of protection and surveillance zones**

**37.**—(1) The National Assembly may, where it is satisfied that the conditions in paragraph (2) are met, declare the termination of a protection zone.

(2) The conditions for termination of a protection zone are—

- (a) at least 15 days have elapsed since completion of any preliminary cleansing and disinfection in that protection zone; and
- (b) a survey of all susceptible animals to substantiate the absence of infection has been carried out on behalf of the National Assembly in that protection zone with negative results.

(3) On termination of any protection zone, the area within its boundaries will become part of the associated surveillance zone.

(4) The National Assembly may, where it is satisfied that the conditions in paragraph (5) are met, declare the termination of a surveillance zone.

(5) The conditions for termination of a surveillance zone are—

- (a) at least 30 days have elapsed since completion of any preliminary cleansing and disinfection in the area within the boundaries of that surveillance zone; and
- (b) its associated protection zone has been terminated; and
- (c) a survey of susceptible animals to substantiate the absence of infection has been carried out in that surveillance zone since the termination of the associated protection zone on behalf of the National Assembly with negative results.

(6) A declaration under this article must refer to the declaration creating the protection and surveillance zones and specify the date and time the protection zone or surveillance zone is to terminate.

(7) In this article, “preliminary cleansing and disinfection” means cleansing and disinfection required by article 28 or 29, undertaken in accordance with paragraphs 12 and 13 of Schedule 1 and ending 24 hours after the application of disinfectant.

### **Declaration of restricted zone**

**38.**—(1) Without prejudice to paragraph (2) the National Assembly may, on confirmation by the Chief Veterinary Officer of the disease on premises in Great Britain, declare a restricted zone in such part of Wales and of such size as it considers necessary to prevent the spread of disease.

(2) The National Assembly must declare a restricted zone in Wales if the Chief Veterinary Officer advises it that in his or her opinion disease has become extensive in Great Britain and the declaration of such a zone would prevent its spread.

(3) A restricted zone must remain in effect until—

- (a) such date as may be stated in the declaration; or
- (b) it is removed by further declaration of the National Assembly.

(4) Any premises which are partly inside and partly outside a restricted zone are deemed to be wholly inside that zone except premises which are also partly inside—

- (a) a temporary control zone; or
- (b) a supplementary movement control zone;
- (c) a protection zone;
- (d) a surveillance zone;
- (e) a vaccination zone;
- (f) a vaccination surveillance zone; or

- (g) a wild animal infected zone.

#### Measures applicable in respect of a restricted zone

39.—(1) The measures in Schedule 6 apply in respect of a restricted zone but without prejudice to any requirements or restriction applying in any part of it because that part falls within a zone listed in paragraph 38(4).

(2) The National Assembly may declare that any other measure it considers necessary so as to prevent the spread of disease applies in respect of the whole or any part of any restricted zone and any such measure will then apply in respect of that restricted zone or that part of it.

#### Presence of the disease in wild animals and declaration of a wild animal infected zone

40.—(1) The National Assembly must, on confirmation of the disease in any wild animal in Wales, declare a wild animal infected zone in Wales.

(2) The National Assembly may, if it is satisfied that disease is present in a wild animal in England or Scotland, declare a wild animal infected zone in Wales.

(3) A wild animal infected zone may be declared in such part of Wales and of such size as the National Assembly considers necessary to prevent the spread of disease.

(4) A wild animal infected zone must remain in effect until—

- (a) such date as may be stated in the declaration; or
- (b) it is removed by further declaration of the National Assembly.

(5) Any premises which are partly inside and partly outside a wild animal infected zone are deemed to be wholly inside that zone.

(6) Any wild animal infected zone is an infected area for the purposes of the Act.

#### Measures applicable in a wild animal infected zone

41.—(1) The measures in Schedule 7 apply in respect of a wild animal infected zone but without prejudice to any measures applying in any part of it because that part falls within—

- (a) a protection zone,
- (b) a surveillance zone,
- (c) a vaccination zone, or
- (d) a vaccination surveillance zone.

(2) The National Assembly may declare that any other measure it considers necessary so as to prevent the spread of disease applies in respect of the whole or any part of any wild animal infected zone and any such measure will then apply in respect of that wild animal infected zone or part of it.

## PART 4

### General and supplementary provisions

#### Production of licences

42.—(1) Every person issued with a licence under this Order must, while executing the licensed activity, carry the licence and produce it to an inspector on demand and without delay.

(2) Sub-paragraphs (3) and (4) apply where any of the following licences are granted for movement of susceptible animals between premises, unless that licence provides otherwise—

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

- (a) a licence for movement to or from premises in a temporary control zone under article 17(2) or paragraph 4 of Schedule 2 (movement of susceptible animals);
  - (b) a licence for movement to a slaughterhouse under paragraph 10 of Schedule 4 (movement of susceptible animals from or to premises in a protection zone);
  - (c) a licence for movement to a slaughterhouse under paragraph 26 of Schedule 4 (movement of animals from premises in a surveillance zone);
  - (d) a licence for movement to or from premises in a restricted zone under paragraph 1 of Schedule 6 (movement of susceptible animals in a restricted zone).
- (3) Where this sub-paragraph applies, no person is permitted to unload susceptible animals at premises to which they are moved unless that person first gives the movement licence issued in respect of those susceptible animals to the occupier of those premises.
- (4) Where this sub-paragraph applies, the occupier of any premises to which susceptible animals are moved must—
- (a) forward the movement licence without delay to the local authority and, in the case of a slaughterhouse, provide a copy to any official veterinary surgeon appointed for those premises;
  - (b) retain a copy of the licence for a period of six months and produce it on request for inspection by an inspector;
  - (c) in the case of a collecting centre, ensure that sheep are marked or tagged in accordance with the directions of an inspector so as to enable the identity of the collecting centre and the premises from which they were moved to be established throughout their onward movement to a slaughterhouse.

### **Premises keeping animals of special value**

- 43.—**(1) This article applies to the following premises—
- (a) a laboratory, zoo, wildlife park or other premises where susceptible animals are kept principally for the purposes of display and education of the public, or an enclosed area principally used for shooting;
  - (b) premises not falling within (a) of a body, institute or centre which—
    - (i) keeps susceptible animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research, and
    - (ii) is approved in relation to those animals under regulation 9 of the Animal and Animal Products (Import and Export) (Wales) Regulations 2005<sup>M11</sup>;
  - (c) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources.
- (2) The National Assembly must take such steps as it considers necessary to prevent the spread of disease to premises to which this article applies.
- (3) In taking such steps, the National Assembly may—
- (a) require the detention and isolation of any vehicle, equipment or other thing on premises to which this article applies and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier, or on the person in charge of the vehicle, equipment or other thing;
  - (b) require the cleansing and disinfection of any premises to which this article applies in accordance with Schedule 1 by serving a notice requiring it on the occupier;

- (c) require the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him or her requiring it;
- (d) require any person to cleanse himself or herself by serving a notice requiring it on him or her;
- (e) require the detention or isolation in a specified place of any animal or poultry on premises to which this article applies by serving a notice requiring it on the occupier, or on its keeper;
- (f) require the separation of any animal or poultry from other animals or poultry on premises to which this article applies by serving a notice requiring it on the occupier of the premises, or on its keeper;
- (g) prohibit the movement of any animal from or to premises to which this article applies, or make such movement subject to the grant of a licence by serving a notice on the occupier prohibiting it or prohibiting it except under licence; or
- (h) prohibit the movement of any person or persons on to premises to which this article applies and which are open to the public, or make such movement subject to the grant of a licence by serving a notice on the occupier prohibiting it or prohibiting it except under licence.

#### Marginal Citations

M11 S.I. 2005/1158 (W.75).

#### Duty of the local authority to erect signs

44. The local authority must ensure that the boundaries of the following zones are indicated by signs erected in a conspicuous position on all roads entering the zones on which it considers susceptible animals are likely to be moved—

- (a) every temporary control zone;
- (b) every supplementary movement control zone;
- (c) every protection zone;
- (d) every surveillance zone;
- (e) every restricted zone;
- (f) every wild animal infected zone.

#### Cleansing and disinfection of vehicles transporting susceptible animals

45.—(1) Where cleansing and disinfection of any vehicle in accordance with this article is required, it must be carried out in accordance with Schedule 2 to the Transport of Animals (Cleansing and Disinfection) (Wales) (No. 3) Order 2003<sup>M12</sup> and with any additional directions an inspector imposes by serving a notice on the person in charge of the vehicle.

(2) Such cleansing and disinfection must be undertaken—

- (a) before loading
- (b) after loading and before leaving the premises of origin (the wheels and wheel arches of the vehicle only, so that they are clean on leaving the premises), and
- (c) after unloading and before leaving the premises of destination.

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

#### **Marginal Citations**

**M12** S.I. 2003/1968 (W.213).

#### **Cleansing and disinfection of vehicles: provision of facilities, equipment and materials**

**46.** Where cleansing and disinfection of vehicles is required at any premises by or under this Order the occupier of those premises must provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

#### **Marks applied under this Order**

**47.** No person is permitted to obscure or erase a mark applied to any animal, carcase, animal product, vehicle or other thing under this Order unless—

- (a) the mark is the overstamp to a health mark or identification mark in which case the overstamp may be removed in the same manner as that mark, or
- (b) an inspector has given written authority.

#### **Change of occupation of premises under restriction**

**48.—**(1) This article applies if the keeper of any animal or poultry is unable to move it from premises on the termination of his or her right of occupation because of a restriction imposed by or under this Order and continues to apply for 7 days after the last restriction is removed.

(2) Where this article applies, the person entitled to occupation of the premises on that termination must—

- (a) provide such facilities for feeding, tending or otherwise using the animal or poultry (including selling it) as the keeper may reasonably require, and
- (b) allow entry to the premises to that keeper and any person authorised by him or her at reasonable times for feeding, tending or otherwise using the animal or poultry.

(3) If the keeper is unable or unwilling to feed or tend the animal or poultry, the person entitled to occupation of the premises must take such steps as are necessary to ensure it is properly fed and tended.

(4) The keeper of the animal or poultry is liable to pay the reasonable costs incurred under this article by any person feeding or tending any animal or poultry, or providing facilities for feeding, tending or otherwise using it.

#### **Reasonable assistance**

**49.** Any person required to give reasonable assistance or information to a person acting in the execution of this Order for the performance of his or her functions under it must, unless he or she has reasonable cause, do so without delay.

#### **False information**

**50.** No person is to furnish information which he or she knows to be false or misleading to a person acting in the execution of this Order.

### **Compliance with notices and directions**

**51.**—(1) Any notice served under this Order must be complied with at the expense of the person on whom it is served, except where otherwise provided in that notice.

(2) Any direction given under this Order must be complied with at the expense of the person to whom it is given, except where otherwise provided in a written direction of the National Assembly.

### **Production of records**

**52.**—(1) Any person required to produce a record by a person acting in the execution of this Order must do so without delay.

(2) On such production, a person acting in the execution of this Order may—

- (a) copy any records, in whatever form they may be held;
- (b) remove any records to enable them to be copied, or where they are kept electronically, require them to be produced in a form which may be taken away.

(3) A person removing records under this article must give a written receipt for them.

### **Retention of records**

**53.** Any person making a record required by this Order must retain it for the following period—

- (a) for a record made under paragraph 10 of Schedule 1, six years unless the record relates solely to cleansing and disinfection of a vehicle in which case, six months;
- (b) for a record made under—
  - (i) paragraph 1 of Schedule 2,
  - (ii) paragraph 1 of Schedule 4, or
  - (iii) paragraph 2 of Schedule 7,

three years after the requirement to maintain records in the relevant paragraph ceases to have effect in relation to the premises.

### **Designated areas and periods for the inspection of vehicles**

**54.** The following are designated for the purposes of section 65A of the Act (inspection of vehicles)—

- (a) any temporary control zone for the duration of its existence;
- (b) any supplementary movement control zone for the duration of its existence;
- (c) any protection zone for the duration of its existence;
- (d) any surveillance zone for the duration of its existence;
- (e) any restricted zone for the duration of its existence;
- (f) any wild animal infected zone for the duration of its existence.

### **General powers of veterinary inspectors to take action to prevent the spread of disease**

**55.**—(1) This article applies—

- (a) in any zone declared under this Order, that is to say—
  - (i) a temporary control zone,
  - (ii) a supplementary movement control zone,
  - (iii) a protection zone,

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- (iv) a surveillance zone,
  - (v) a restricted zone, and
  - (vi) a wild animal infected zone; and
- (b) on any premises subject to restriction under this Order, that is to say—
- (i) premises subject to Schedule 2 by virtue of article 9(3), 9(5), 10(1), 10(2) or 11(2),
  - (ii) suspect premises,
  - (iii) contact premises, and
  - (iv) infected premises.
- (2) Where this article applies, a veterinary inspector may, if he or she considers it necessary to prevent the spread of disease require—
- (a) the detention and isolation of any vehicle, equipment or other thing and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier of the premises where it is present, or on the person in charge of it;
  - (b) the cleansing and disinfection of any premises in accordance with Schedule 1 by serving a notice requiring it on the occupier of those premises;
  - (c) the removal, laundering, cleansing and disinfection or disposal of the clothing or footwear of any person by serving a notice on him or her requiring it;
  - (d) any person to cleanse himself or herself by serving a notice requiring it on him or her;
  - (e) the detention or isolation in a specified place of any animal or poultry by serving a notice requiring it on the occupier of the premises where it is present, or on its keeper;
  - (f) the separation of any animal or poultry from other animals or poultry by serving a notice requiring it on the occupier of the premises where it is present, or on its keeper.
- (3) A notice under this article may contain such directions and conditions as the person serving it considers necessary to prevent the spread of disease.
- (4) The powers conferred on a veterinary inspector by this article are without prejudice to powers conferred by any other provision of this Order.

#### **Powers of inspectors in case of default**

- 56.**—(1) Where a person fails to comply with a requirement imposed by or under this Order an inspector may take any steps he or she considers necessary to ensure the requirement is met.
- (2) Where a person acts in contravention of a requirement imposed by or under this Order an inspector may take any steps he or she considers necessary to rectify the situation so as to prevent the spread of disease.
- (3) In taking steps under paragraph (1) or (2) an inspector may seize and detain any animal moved, kept or otherwise dealt with in contravention of a restriction or requirement imposed by or under this Order.
- (4) In taking steps under paragraph (2), an inspector may by notice served on any person direct that person to take or refrain from specified action in respect of any place, animal, poultry, vehicle, animal product or other thing.
- (5) Any steps taken under this article are without prejudice to proceedings for an offence arising out of the default.
- (6) The person in default must reimburse any reasonable expenses incurred by the National Assembly or the local authority in taking such steps and any such reimbursement is recoverable summarily.



### Offences by bodies corporate

57.—(1) Where a body corporate is guilty of an offence under this Order, 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 or she as well as the body corporate, will be guilty of an offence and be liable to be proceeded against and punished accordingly.

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

### Offences: no knowledge of restriction or requirement

58. No person is guilty of failing to comply with a restriction or requirement which applies because of the declaration of—

- (a) a temporary control zone,
- (b) a supplementary movement control zone,
- (c) a protection zone,
- (d) a surveillance zone,
- (e) a restricted zone, or
- (f) a wild animal infected zone,

if he or she shows to the court's satisfaction that he or she did not know of that restriction or requirement and that he or she could not with reasonable diligence have obtained knowledge of it.

### Enforcement

59.—(1) Subject to paragraphs (2) and (3), this Order is to be enforced by the local authority.

(2) This Order is to be enforced in relation to slaughterhouses by the National Assembly.

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

## PART 5

### Amendments and revocations

#### Amendment to the Diseases of Animals (Approved Disinfectants) Order 1978

60. In article 2 of the Diseases of Animals (Approved Disinfectants) Order 1978<sup>M13</sup>, for the definition “ “Foot and Mouth Disease Orders””, substitute “Foot and Mouth Disease Orders” means the Foot-and-Mouth Disease (Wales) Order 2006 and the Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006;”.

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

**Marginal Citations**

**M13** [S.I. 1978/32](#) amended by [S.I. 2005/583](#) (W.49) there are other amending instruments but none is relevant.

**Amendment to the Foot-and-Mouth Disease (Ascertainment of Value) (Wales) (No. 5) Order 2001**

- 61.** In the Foot-and-Mouth Disease (Ascertainment of Value) (Wales) (No.5) Order 2001 <sup>M14</sup>—
- (a) in article 2(1), for “paragraph 3(2)” substitute “ paragraphs 2A(10) and 3(2) ”;
  - (b) in article 2(6), for “paragraph 3(1)” substitute “ paragraph 2A(2) or paragraph 3(1) ”.

**Marginal Citations**

**M14** [S.I. 2001/2771](#) (W.232).

**Amendment to the Disease Control (Wales) Order 2003**

- 62.** In the Disease Control (Wales) Order 2003 <sup>M15</sup>, for article 3 substitute—

**“Exception**

**3.** This order does not apply in relation to a movement to or from a zoo licensed under the Zoo Licensing Act 1981.”.

**Marginal Citations**

**M15** [S.I. 2003/1966](#) (W.211).

**Revocations**

- 63.** The Orders listed in Schedule 9 are revoked to the extent specified in that Schedule.

<sup>M16</sup>Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 .

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

**Marginal Citations**

**M16** 1998 c. 38.

## SCHEDULE 1

Articles 28(2), 29(2), 43(3) and 55(2)

### Cleansing and Disinfection of premises

#### **PART 1**

##### General procedures for cleansing and disinfection of premises

1. This Part applies to all cleansing and disinfection of premises (including cleansing and disinfection of vehicles equipment and other things liable to spread disease on those premises).
2. The National Assembly may by notice served on the occupier of any premises direct that any cleansing and disinfection operation must be carried out by that person and such a notice must state whether such cleansing and disinfection is to be carried out at the expense of that person or at the expense of the National Assembly.
3. Every person carrying out cleansing or disinfection under this Schedule must do so in accordance with this Schedule and with any directions given by an inspector.
4. Litter and faecal matter must be thoroughly soaked with disinfectant.
5. All surfaces which may be contaminated must be brushed and scrubbed thoroughly, in particular floors, ramps, walls and the ground, followed by an application of disinfectant.
6. Equipment or other things obstructing thorough cleansing and disinfection must be moved or dismantled where this is reasonably practicable.
7. Water used for cleansing must be disposed of so as to minimise the risk of disease spread.
8. Washing of surfaces with liquids under pressure must be carried out so as to minimise any risk of contamination.
9. Equipment, installations or other things which may be contaminated must be cleansed and disinfected or destroyed.
10. Every person carrying out cleansing and disinfection operations must make a written record of it. The record must include the date and time of the operation.
11. The person in charge of a vehicle which is cleansed and disinfected under this Schedule must ensure, so far as is possible, that the record is kept with the vehicle at all times.

#### **PART 2**

##### Cleansing and disinfection of infected premises

12. This Part applies to the cleansing and disinfection of infected premises.

##### Preliminary disinfection of infected premises

13. Cleansing and disinfection must be carried out during and immediately following slaughter so as to minimise the risk of disease spread and in accordance with the directions of an inspector.
14. Following slaughter—
  - (a) every carcase must be sprayed with disinfectant,
  - (b) carcases removed from the premises for disposal must be contained in covered, leak-proof containers,

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

- (c) all parts of the premises which housed susceptible animals, and any buildings and yards or other surfaces which may have been contaminated during or after slaughter, must be sprayed with disinfectant.

15. Disinfectant must not be removed for at least 24 hours after application.

#### **Final cleansing and disinfection of infected premises**

16. Grease and dirt must be removed from all surfaces by the application of a degreasing agent and washed with water or steam.

17. Following degreasing and washing with water or steam, disinfectant must be reapplied.

18. At least seven days after the reapplication of disinfectant, the operations in paragraphs 16 and 17 must be repeated, followed by final washing with water or steam.

### **PART 3**

#### **Disinfection of contaminated litter, manure and slurry**

19. This Part applies to the disinfection of contaminated litter, manure and slurry on premises except to the extent that it is varied by a notice served on the occupier by the National Assembly.

20. The litter and the solid phase of manure must be stacked to heat. Unless otherwise directed by the National Assembly this is to be achieved by adding 100kg granulated quick lime to each 1m<sup>3</sup> of material. The stack must be heated to a temperature of at least 70°C throughout, sprayed with disinfectant and left for at least 42 days. During this period the stack must either be covered or re-stacked so as to ensure thermic treatment of all layers.

21.—(1) Slurry and the liquid phase of manure must be stored for at least the period in sub-paragraph (2) after the last addition of infective material.

(2) The period for the purposes of sub-paragraph (1) is 42 days or such other period as the National Assembly directs by notice served on the occupier having taken into account—

- (a) the extent of the contamination,
- (b) the weather conditions, and
- (c) the pH of the substance after disinfection and its likely effect on the disease virus.

### **PART 4**

#### **Special cases**

22. Where the National Assembly is satisfied that cleansing and disinfection of premises cannot be completed in accordance with Parts 1 to 3 of this Schedule, it must serve a notice on the occupier notifying him or her of that opinion and paragraph 23 then applies to those premises.

23. Cleansing and disinfection of premises to which this paragraph applies must be carried out in accordance with the directions of an inspector.

## SCHEDULE 2

Articles 9(3), 9(5), 10(1), 10(2), 11(2),  
14(6) and 17(3)

### Measures applicable to premises on suspicion or confirmation of disease

#### **Record keeping**

1.—(1) Subject to sub-paragraph (4), the occupier must create and maintain the following records in respect of the premises—

- (a) the number of each species of animal;
- (b) for each species of susceptible animal, the number of dead animals, the number suspected of being infected and the number suspected of being contaminated; and
- (c) the stock of milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, fodder and litter.

(2) Records must be kept in a form approved for the purpose by the National Assembly.

(3) The occupier must maintain the records kept under paragraph (1)(a) and (1)(b) by updating them within 24 hours of any change.

(4) This paragraph does not apply to any person subject to paragraphs 1 of Schedule 4.

#### **Signs publicising infection or suspicion**

2. The occupier must ensure that—

- (a) any signs supplied by the National Assembly are displayed in a conspicuous place at the main entrance to the premises or as directed by an inspector, or
- (b) if no signs have been supplied by the National Assembly, a sign reading “FOOT-AND-MOUTH DISEASE— KEEP OUT” in block letters at least 10cm high is erected and maintained at every entrance to the premises.

#### **Isolation, removal and detention of susceptible animals**

3.—(1) The occupier must ensure that susceptible animals are isolated from persons not attending them and from non-susceptible animals.

(2) On service of a notice by an inspector requiring it the occupier must—

- (a) isolate any specified animal or group of animals from all other animals on such part of the premises as is specified, or
- (b) remove any specified animal or group of animals from such part of the premises as is specified

and detain that animal or those animals on such other part of the premises as is specified.

(3) No person is permitted to move any animal isolated or detained under a notice served under sub-paragraph (2) except under the authority of a licence granted by an inspector.

#### **Movement of susceptible animals**

4.—(1) Subject to this paragraph no person is permitted to move any susceptible animal from or to the premises.

(2) The prohibition in sub-paragraph (1) does not apply to susceptible animals leaving contact premises (other than contact premises in a temporary control zone)—

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

- (a) after the incubation periods of all susceptible animals on the premises have elapsed (calculated from the date of declaration of the contact premises) and under the authority of a licence granted by an inspector; or
- (b) where the movement is direct to a slaughterhouse for emergency slaughter and is under the authority of a licence granted by an inspector.

(3) An inspector is not permitted to grant a licence under sub-paragraph (2)(b) unless he or she is satisfied that the animals to be moved have been clinically examined by a veterinary inspector with a negative result and the slaughterhouse is the nearest slaughterhouse to the premises with capacity to slaughter the animals.

(4) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub-paragraph (2)(b) must ensure that it is cleansed and disinfected without delay in accordance with article 45.

(5) The prohibition in sub-paragraph (1) does not apply to animals entering or leaving free units (other than free units in a temporary control zone).

(6) The prohibition in sub-paragraph (1) does not apply to the movement of animals leaving infected premises for slaughter under the authority of a licence granted by the National Assembly.

(7) The prohibition in sub-paragraph (1) does not apply to movement from one part of premises to another part of the same premises using an intervening public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

#### **Movement of things liable to spread disease**

5.—(1) Subject to the provisions of this paragraph, no person is to move from the premises any meat, carcase, meat product, milk, milk product, semen, ovum or embryo of a susceptible animal.

(2) Where the National Assembly is satisfied that it is not reasonable to require milk to be kept on the premises, it may—

- (a) serve a notice requiring that milk is destroyed on the premises, or
- (b) grant a licence authorising milk to be transported from the premises to the nearest place available for disposal or treatment to destroy disease.

(3) Transport of milk under the authority of a licence granted under sub-paragraph (2)(b) must be carried out in a vehicle which an inspector is satisfied is equipped to ensure that there is no risk of spreading disease.

(4) If the National Assembly grants a licence under sub-paragraph (2)(b), it must serve a notice on the person in charge of the premises to which milk is transported directing the method of disposal or treatment.

#### **Movement of fodder, etc.**

6. No person is permitted to move from the premises any fodder, utensils, wool, hide or skins, bristles, animal waste, slurry, manure or any other thing liable to spread disease except under the authority of a licence granted by the National Assembly.

#### **Movement of persons on to or off the premises**

7. No person is permitted to enter or leave the premises unless—

- (a) his or her principal residence is a dwelling on the premises,
- (b) his or her place of employment is the premises,
- (c) it is necessary for the provision of emergency services, or

- (d) he or she is authorised to do so by a licence granted by the National Assembly.

#### **Cleansing and disinfection of clothing, etc.**

8.—(1) No person is permitted to enter or leave the premises—

- (a) wearing clothes or boots which are visibly soiled with mud, slurry, animal faeces, droppings, excretions or any similar matter, and
- (b) without cleansing and disinfecting the outer surfaces of his or her footwear in accordance with the directions of an inspector.

(2) No person is permitted to enter any part of the premises—

- (a) in which an animal which is infected or suspected of being infected is being kept or has recently been kept, or
- (b) in order to attend to or treat an animal,

unless wearing clothing and footwear approved by an inspector.

(3) No person is permitted to leave any such part of the premises without having cleansed his or her hands to the satisfaction of an inspector and having either—

- (a) cleansed and disinfected his or her clothing and footwear to the satisfaction of an inspector, or
- (b) removed such clothing and footwear for laundering, cleansing and disinfection or disposal as an inspector reasonably directs by notice served on that person.

(4) A notice under sub-paragraph (3)(b) shall specify the required method of laundering, cleansing and disinfection or disposal.

#### **Disinfection**

9.—(1) The occupier must provide and renew such clean water and means of disinfection as an inspector directs at every entrance to the premises and at every entrance to a building where susceptible animals are kept.

(2) The occupier must ensure that any slurry or shed washings are disinfected in accordance with the directions of an inspector before they are permitted to drain or escape from any part of the premises where an infected animal or an animal suspected of being infected or contaminated is or has been kept.

#### **Movement of vehicles on to or off the premises**

10. No person is permitted to move any vehicle on to or off the premises unless—

- (a) it is necessary for the provision of emergency services, or
- (b) it is authorised by a licence granted by the National Assembly.

#### **Movement of non-susceptible animals**

11. No person is permitted to move from the premises any non-susceptible animal except under the authority of a licence granted by the National Assembly.

#### **Control of rodents**

12. The occupier must take steps to destroy any rats, mice and other rodents on the premises so far as this is possible.

**Status:** Point in time view as at 28/03/2014.

**Changes to legislation:** There are currently no known outstanding effects for the *The Foot-and-Mouth Disease (Wales) Order 2006*. (See end of Document for details)

### SCHEDULE 3

Article 12(9)

#### Criteria for confirming disease

1. Disease virus has been isolated from, an animal kept on the premises, any product derived from that animal, or its environment.
2. Clinical signs consistent with disease are observed in an animal kept on the premises, and the viral antigen or viral ribonucleic acid (RNA) specific to one or more of the serotypes of the disease virus has been detected and identified in samples collected from the animal or animals of the same epidemiological group.
3. Clinical signs consistent with disease are observed in an animal kept on the premises and the animal or its cohorts have tested positive for antibody to the disease virus structural or non-structural proteins (and previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity).
4. Viral antigen or viral RNA specific to one or more of the serotypes of the disease virus has been detected and identified in samples collected from an animal kept on the premises and the animal is positive for antibody to disease virus structural or non-structural proteins (and in the case of antibodies to structural proteins previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity).
5. An epidemiological link has been established to infected premises and at least one of the following conditions applies—
  - (a) one or more animals kept on the premises are positive for antibody to the disease virus structural or non-structural proteins (and previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity);
  - (b) viral antigen or viral RNA specific to one of the serotypes of the disease virus has been detected and identified in samples collected from one or more animals kept on the premises;
  - (c) serological evidence of active infection with disease has been established in one or more animals kept on the premises (and previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity) by detection of seroconversion from negative to positive for antibody to the disease virus structural or non-structural proteins (where a previous seronegative status cannot reasonably be expected, carried out in paired samples collected from the same animals on two or more occasions at least 5 days apart, in the case of structural proteins, and at least 21 days apart, in the case of non-structural proteins);
  - (d) clinical signs consistent with disease are observed in a susceptible animal kept on the premises.



## SCHEDULE 4

Article 34(1)

### Measures applicable in respect of protection and surveillance zones

## PART 1

### Measures applicable in respect of both protection and surveillance zones

#### Record keeping in protection and surveillance zones

1.—(1) The occupier of every premises in a protection zone or surveillance zone where susceptible animals are kept must create and maintain the following records in respect of the premises—

- (a) the number of each species of animal kept;
- (b) for each species of susceptible animal, the number of dead, the number suspected of being infected and the number suspected of being contaminated;
- (c) the stock of milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, fodder and litter.

(2) Records must be kept in a form approved for the purpose by the National Assembly.

(3) The occupier must maintain the records kept under paragraph 4 and (1)(b) by updating them within 24 hours of any change.

#### Straying of susceptible animals

2.—(1) The keeper of a susceptible animal in a protection zone or surveillance zone must take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a protection zone or a surveillance zone.

#### Control of dogs and poultry in protection and surveillance zones

3.—(1) The owner of any dog in a protection zone or surveillance zone must keep it under control by—

- (a) confining it in a dwellinghouse, kennel or other enclosure,
- (b) securing it to a fixed object by a collar and chain, or
- (c) accompanying it or ensuring that it is accompanied by a responsible person.

(2) An inspector may seize any dog which is not kept under control in accordance with subparagraph (1) and deal with it as if it was a dog seized under the powers conferred by section 149 of the Environmental Protection Act 1990 <sup>M17</sup>.

(3) An inspector may, if he or she considers that any dog or poultry is not under control, by notice served on the occupier of the premises where it is kept, require him or her to keep that dog or poultry under control, or to confine it to the part of the premises specified in the notice.

#### Marginal Citations

M17 1990, c. 43.

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

#### **Shearing or dipping sheep in a protection zone or surveillance zone**

4.—(1) Subject to the sub paragraph (2), no person is permitted to—

- (a) shear or dip sheep, or
- (b) handle fleeces or sheep during shearing or dipping,

in a protection zone or surveillance zone except under the authority of a licence granted by an inspector.

(2) The prohibition in sub-paragraph (1) does not apply to the occupier of any premises or his or her employees (other than any person employed by him or her primarily for the purpose of shearing or dipping sheep) in respect of the shearing or dipping of sheep kept on those premises.

(3) In this article—

- (a) “shearing” includes clipping and dagging, and
- (b) “dipping” includes showering and jetting sheep with sheep dip.

#### **Ultrasound scanning of sheep in a protection or surveillance zone**

5.—(1) Subject to sub-paragraph (2), no person is permitted to carry out ultrasound scanning of sheep in a protection zone or surveillance zone except under the authority of a licence granted by an inspector.

(2) The prohibition in sub-paragraph (1) does not apply to the occupier of any premises or his or her employees (other than any person employed by him primarily for the purpose of carrying out ultrasound scanning of sheep) in respect of the carrying out of ultrasound scanning of sheep kept on those premises using ultrasound scanning equipment of which the occupier is the owner or person in charge.

#### **Semen, ova and embryos collected in a protection or surveillance zone**

6.—(1) This paragraph applies to semen, ova and embryos collected from susceptible animals originating in a protection zone or a surveillance zone.

(2) No person is permitted sell or consign for sale any animal product to which this paragraph applies unless it complies with sub-paragraph (3) or sub-paragraph (4).

(3) Semen, ova and embryos comply with this sub-paragraph if they satisfy the following requirements—

- (a) they are frozen;
- (b) they were collected and stored before the date 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone;
- (c) they have at all times been stored separately from semen, ova and embryos which were not so collected and stored.

(4) Semen complies with this sub-paragraph if it satisfies the following requirements—

- (a) it is frozen;
- (b) it was collected and stored on or after the date 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone;
- (c) it was at all times stored separately from semen which was not so collected and stored;
- (d) it is not sold or consigned for sale until the premises on which it was collected is no longer in a protection or surveillance zone;
- (e) a veterinary inspector certifies by notice served on the owner of the semen that he has—

- (i) clinically examined all susceptible animals on the premises on which it was collected,
- (ii) subjected a serological sample from each such animal to a test for disease with a negative result, and
- (iii) subjected a serological sample taken from the donor animal 28 days or more after collection of the semen to a test for the detection of antibodies against disease with a negative result.

#### **Hides and skins of susceptible animals originating in a protection or surveillance zone**

7.—(1) This paragraph applies to hides and skins of susceptible animals originating in a protection zone or surveillance zone.

(2) No person is permitted to sell or consign for sale any animal product to which this paragraph applies unless either—

- (a) it was—
  - (i) produced before the date 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, and
  - (ii) at all times stored separately from hides and skins which were not so produced; or
- (b) it has been treated so that it falls within paragraph 2 of Schedule 5.

#### **Wool, ruminant hair and pig bristles from animals originating in a protection or surveillance zone**

8.—(1) This paragraph applies to wool, ruminant hair and pig bristles from animals originating in a protection zone or a surveillance zone.

(2) No person is permitted to sell or consign for sale any animal product to which this paragraph applies unless either—

- (a) it was—
  - (i) produced before the date 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, and
  - (ii) at all times was stored separately from wool, ruminant hair and pig bristles which were not so produced; or
- (b) it has been treated so that it falls within paragraph 3 of Schedule 5.

#### **Other animal products produced in a protection zone or a surveillance zone or from animals originating in such a zone**

9.—(1) This paragraph applies to any animal product to which the other paragraphs in this Schedule do not apply if it is produced—

- (a) in a protection zone or surveillance zone from susceptible animals, or
- (b) from susceptible animals originating in a protection zone or surveillance zone.

(2) No person is permitted to sell or consign for sale an animal product to which this paragraph applies unless it satisfies one of the following requirements—

- (a) it was—
  - (i) produced before the date 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, and
  - (ii) at all times stored and transported separately from animal products not so produced;

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

- (b) it has been treated so that it falls within paragraph 4 of Schedule 5;
- (c) where it is referred to in one of paragraphs 5 to 9 of Schedule 5, it has been treated so that it falls within that paragraph;
- (d) it is a composite product (that is, a manufactured or processed product containing more than one ingredient at least one of which is an animal product) and each ingredient which is an animal product—
  - (i) is referred to in a paragraph of Schedule 5 and has been treated so that it falls within that paragraph (either before manufacturing or processing or as part of the composite product), or
  - (ii) was produced from susceptible animals not originating on infected, suspect or contact premises or in a temporary control zone, protection zone, surveillance zone or vaccination zone;
- (e) it is a packaged product ready for use—
  - (i) as a reagent, reagent product, calibrator, kit or any other system (whether used alone or in combination),
  - (ii) in vitro for the examination of samples of human or animal origin (with the exception of donated organs or blood), and
  - (iii) solely or principally with a view to the diagnosis of a physiological state, state of health, disease or genetic abnormality or to determine safety and compatibility with reagents.

## PART 2

### Measures applicable only in respect of a protection zone

#### **Movement of susceptible animals from or to premises in a protection zone**

**10.**—(1) Subject to the provisions of this paragraph, no person is permitted to move any susceptible animal from or to premises in a protection zone.

(2) The prohibition in sub-paragraph (1) does not apply to transport of susceptible animals for emergency slaughter under the authority of a licence granted by an inspector from premises in a protection zone direct to a slaughterhouse—

- (a) in the same protection zone, or
- (b) if there is no slaughterhouse in that protection zone, outside the protection zone.

(3) No inspector is permitted to grant a licence under sub-paragraph (2) unless he or she is satisfied that—

- (a) a veterinary inspector has within the previous 24 hours carried out a clinical examination of every susceptible animal on the premises, and
- (b) there is no suspicion of infection or contamination on the premises.

(4) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub-paragraph (2) must ensure that it is cleansed and disinfected in accordance with article 45.

(5) The prohibition in sub-paragraph (1) does not apply to the movement of animals leaving infected premises for slaughter under the authority of a licence granted under sub-paragraph 4(6) of Schedule 2.

(6) The prohibition in sub-paragraph (1) does not apply to movement from one part of premises to another part of the same premises using an intervening public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

#### **Movement of non-susceptible animals from or to premises in a protection zone where susceptible animals are kept**

**11.**—(1) Subject to the provisions of this paragraph, no person is permitted to move any non-susceptible animal from or to premises in a protection zone where susceptible animals are kept.

(2) The prohibition in sub-paragraph (1) does not apply to—

- (a) movement of pet animals which are not susceptible animals,
- (b) movement of horses under the terms of a licence granted by an inspector, and
- (c) movement from one part of premises to another part of the same premises using an intervening public highway and under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

(3) Any inspector granting a licence under sub-paragraph (2)(b) must take account of the recommended measures in paragraph 2.2 of Annex VI to the Directive.

#### **Movement of animals into or out of a protection zone**

**12.**—(1) Subject to the provisions of this paragraph, no person is permitted to move any animal into or out of a protection zone.

(2) The prohibition in sub-paragraph (1) does not apply to—

- (a) movement permitted under paragraph 10 or 11,
- (b) movement of pet animals which are not susceptible animals,
- (c) movement of horses under the terms of a licence granted by an inspector,
- (d) transport through the zone without stopping, or
- (e) transport from outside the zone directly to a slaughterhouse in the zone for immediate slaughter there under the terms of a licence granted by an inspector.

(3) Any inspector granting a licence under sub-paragraph (2)(c) must take account of the recommended measures in paragraph 2.2 of Annex VI to the Directive.

(4) A licence granted under sub-paragraph 2(e) must—

- (a) certify that the premises on which the movement originates is outside the protection zone, and
- (b) specify the route to be taken.

(5) The person in charge of any vehicle used to transport animals under the authority of a licence granted under sub-paragraph (2)(e) must ensure that—

- (a) it is cleansed and disinfected in accordance with article 45; and
- (b) details of the cleansing and disinfection are recorded in a document which is kept with the vehicle at all times and retained for at least 6 months after the last such cleansing and disinfection.

#### **Movement of vehicles from premises in a protection zone where susceptible animals are kept**

**13.** No person is permitted to move any vehicle designed or adapted for the transport of animals from premises in a protection zone where susceptible animals are kept except under the authority of a licence granted by an inspector.

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

### **Control of animal gatherings in a protection zone**

14. No person is permitted to hold any animal gathering in a protection zone.

### **Control of gatherings of people in a protection zone**

15.—(1) No person is permitted to hold or take part in the following activities in a protection zone—

- (a) hunting any drag or other trail;
- (b) falconry, except under the authority of a licence granted by the National Assembly;
- (c) point-to-point meetings;
- (d) stalking;
- (e) shooting game or other wildlife or deer, except that—
  - (i) the occupier of any land, members of his or her household, persons employed by him or her as beaters and any member of a shooting party of not more than three persons authorised by him or her may shoot game, other wildlife or deer found on that land;
  - (ii) a person may shoot birds under the authority of a licence granted by the National Assembly; and
  - (iii) a person may cull deer under the authority of a licence granted by the National Assembly.

(2) Where holding any recreational or sporting activity may, in the opinion of the National Assembly, spread disease, it may prohibit it by serving a notice on the person responsible for the activity.

(3) In this paragraph “falconry” means the use of birds of the order Falconiformae to hunt for game or other wildlife.

### **Breeding in a protection zone**

16.—(1) No person is permitted to carry out breeding of susceptible animals by means of itinerant service in a protection zone.

(2) No person is permitted to carry out artificial insemination of animals or collect any embryo or ovum in a protection zone except in compliance with sub-paragraph (3) or (4).

(3) Artificial insemination of a susceptible animal complies with this sub-paragraph if it satisfies the following requirements—

- (a) it is carried out by the occupier of the premises where the animal is kept (or any employee of that occupier);
- (b) the semen used has not left the premises since the protection zone was declared, or was delivered to the occupier or his or her employee at a place outside the premises from a semen collection centre;
- (c) it is carried out using equipment which has been on the premises since the protection zone was declared.

(4) Artificial insemination of a non-susceptible animal or the collection of embryos, or ova from such an animal complies with this sub-paragraph if—

- (a) it is carried out by the occupier of the premises where the animal is kept (or any employee of that occupier), and
- (b) either no susceptible animals are kept on the premises or (in the case of artificial insemination only) it is carried out under the authority of a licence granted by the National Assembly.

### **Slaughter for private consumption in a protection zone**

17. No person is permitted to slaughter a susceptible animal on premises in a protection zone for private consumption on those premises.

### **Transport of fodder in a protection zone**

18. No person is permitted to transport fodder to premises in a protection zone where susceptible animals are kept except under the authority of a licence granted by an inspector.

### **Sale of fodder originating in a protection zone**

19. No person is permitted to sell or consign for sale fodder produced in a protection zone unless it satisfies one of the following requirements—

- (a) it was—
  - (i) produced before the date 21 days before the earliest infection date in the protection zone, and
  - (ii) at all times stored and transported separately from other fodder and in such a way as to avoid contamination;
- (b) it is authorised for sale in that protection zone by a licence granted by an inspector;
- (c) it was produced on premises where no susceptible animals are kept using raw materials also produced on such premises or raw materials produced outside the protection zone;
- (d) it is straw or forage falling within paragraph 10 of Schedule 5.

### **Transport, treatment and spreading of dung and manure produced in a protection zone**

20.—(1) This paragraph applies to dung or manure—

- (a) from premises in a protection zone where susceptible animals are kept, or
- (b) collected from vehicles carrying susceptible animals from or within a protection zone.

(2) No person is permitted to transport dung or manure to which this paragraph applies unless such transport complies with sub-paragraph (3) or (5), and with sub-paragraph (6).

(3) Transport of dung or manure complies with this sub-paragraph where it is to an establishment for treatment to destroy the disease virus and under the authority of a licence granted by an inspector.

[<sup>F7</sup>(4) The occupier of premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) must ensure that it is treated in accordance with Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011.]

(5) Transport of dung or manure for spreading complies with this sub-paragraph if it satisfies the following requirements—

- (a) the dung or manure is for spreading at premises where no susceptible animals are kept;
- (b) the dung or manure was produced at least 21 days before the earliest infection date in the protection zone;
- (c) where the dung or manure is from bovine animals or pigs—
  - (i) all animals on the premises where it was produced have been clinically examined by a veterinary inspector who is satisfied by such examination that they are free of infection, and
  - (ii) the dung or manure was produced at least 4 days before such examination.

**Status:** Point in time view as at 28/03/2014.

**Changes to legislation:** There are currently no known outstanding effects for the *The Foot-and-Mouth Disease (Wales) Order 2006*. (See end of Document for details)

(6) Transport of dung or manure complies with this sub-paragraph if it is carried out in vehicles which are—

- (a) constructed and maintained so that there is no leakage of the load during transport, and
- (b) cleansed and disinfected after loading and before leaving the premises of origin.

(7) After transporting dung or manure under this paragraph, the person in charge of the vehicle must ensure it is cleansed and disinfected after unloading or spreading and before leaving the premises of destination.

(8) The person in charge of a vehicle to be cleansed and disinfected so as to comply with sub-paragraph (6) or with sub-paragraph (7) must ensure that such cleansing and disinfection is carried out so that—

- (a) the exterior (including the wheels and wheel arches) is not marked with mud, dung, manure or similar matter on leaving either premises,
- (b) the interior (excluding any driver or passenger compartment) is not so marked on leaving the premises of destination, and
- (c) any additional requirements as an inspector directs are complied with.

(9) No person is permitted to spread dung or manure to which this paragraph applies unless such spreading is authorised by a licence granted by an inspector and—

- (a) the dung or manure is spread from not more than 1 metre above the ground;
- (b) liquid spread is not by equipment producing a jet or spray unless the discharge point is directed downwards at an angle of not less than 45° from horizontal; and
- (c) once spread the dung or manure is immediately incorporated into the ground.

(10) Any licence granted under sub-paragraph (9) must contain at least the following terms—

- (a) designation of the fields on which dung or manure from bovine animals or pigs may be spread, and
- (b) designation of a distance from premises where susceptible animals are kept within which dung or manure must not be spread.

#### Textual Amendments

**F7** Sch. 4 para. 20(4) substituted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), reg. 1(2)(3), [Sch. 2 para. 1\(5\)\(a\)](#)

#### Fresh meat etc. derived from susceptible animals originating in a protection zone

**21.**—(1) This paragraph applies to fresh meat, minced meat and mechanically separated meat derived from susceptible animals originating in a protection zone.

(2) No person is permitted to sell or consign for sale meat to which this paragraph applies or move such meat out of a protection zone unless—

- (a) it was produced before the date 21 days before the earliest infection date in the protection zone,
- (b) after production, it was at all times stored and transported separately from meat to which this paragraph applies produced on or after that date, and
- (c) it was health or identification marked and that mark was over stamped.



### **Fresh meat etc. produced on premises in a protection zone**

**22.**—(1) This paragraph applies to fresh meat, minced meat and mechanically separated meat derived from susceptible animals and produced on premises in a protection zone.

(2) No person is permitted to sell or consign for sale meat to which this paragraph applies or move such meat out of a protection zone unless it has been produced in an establishment which—

- (a) is authorised by a licence granted by the National Assembly imposing such conditions as it considers necessary to ensure strict veterinary control of the establishment;
- (b) processes only meat falling within sub-paragraph (3); and
- (c) at all times during the production process stores, identifies and transports products intended to be eligible for despatch outside the protection zone separately from those which are not, and in accordance with the directions of the National Assembly.

(3) Meat falls within this sub-paragraph if—

- (a) it was either—
  - (i) produced in the protection zone before the date 21 days before the earliest infection date there, or
  - (ii) produced from animals reared and slaughtered outside a protection zone, or
  - (iii) produced from animals transported to the establishment under the authority of a licence granted under paragraph 12(2)(e), and slaughtered there; and
- (b) it is health or identification marked.

### **Meat products produced from meat derived from susceptible animals originating in a protection zone**

**23.**—(1) This paragraph applies to meat products produced from meat derived from susceptible animals originating in a protection zone.

(2) No person is permitted to sell or consign for sale any meat product to which this paragraph applies unless—

- (a) it was produced from fresh meat, minced meat or mechanically separated meat which may be sold or consigned for sale because it satisfies the conditions in paragraph 21(2), or
- (b) it was produced from fresh meat, minced meat or mechanically separated meat which was—
  - (i) health or identification marked and that mark was overstamped.
  - (ii) transported in sealed containers to an establishment designated by the National Assembly as authorised to treat meat from a protection zone, and
  - (iii) treated at that establishment so that it falls within paragraph 1 of Schedule 5.

### **Milk and milk products produced from susceptible animals originating in a protection zone or on premises in a protection zone**

**24.**—(1) No person is permitted to sell or consign for sale the milk of a susceptible animal originating in a protection zone or any milk product produced from such milk unless it complies with sub-paragraph (2) or (3).

(2) Milk and milk products comply with this sub-paragraph if—

- (a) they were produced before the date 21 days before the earliest infection date in the protection zone, and

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

- (b) they have at all times been stored and transported separately from milk and milk products produced on or after that date.
- (3) Milk and milk products comply with this sub-paragraph if—
  - (a) they have been treated so as to fall within paragraph 13 or 14 of Schedule 5, and
  - (b) that treatment was carried out either—
    - (i) in the protection zone on premises which comply with sub-paragraph (6), or
    - (ii) outside the protection zone on such premises as the National Assembly may direct.
- (4) No person is permitted to sell or consign for sale the milk of a susceptible animal produced on premises in the protection zone or any milk product produced from such milk unless—
  - (a) transport of raw milk from outside a protection zone to those premises complies with sub-paragraph (5), and
  - (b) those premises comply with sub-paragraph (6).
- (5) Transport of raw milk complies with this sub-paragraph if—
  - (a) the vehicle was cleansed and disinfected at the premises of origin and before loading in accordance with the directions of an inspector, and
  - (b) the vehicle did not enter any other premises in a protection zone where susceptible animals are kept after that cleansing and disinfection.
- (6) Premises comply with this sub-paragraph if they satisfy the following requirements—
  - (a) they are authorised by a licence granted by the National Assembly imposing such conditions as it considers necessary to ensure strict veterinary control;
  - (b) all milk entering the premises—
    - (i) complies with sub-paragraph (2) or (3), or
    - (ii) enters for treatment so that it complies with sub-paragraph (3), or
    - (iii) is raw milk produced outside the protection zone;
  - (c) milk on the premises and leaving the premises is clearly identified as eligible for sale outside the protection zone and is at all times stored and transported separately from raw milk and raw milk products which are not so eligible.

### **Collection, transport and processing of milk and milk products produced in a protection zone**

**25.**—(1) No person is permitted to collect and transport milk produced on premises in a protection zone where susceptible animals are kept out of that protection zone or process any such milk unless such transport complies with sub-paragraph (2) and is carried out in a vehicle which complies with sub-paragraph (3).

- (2) Transport complies with this sub-paragraph if it is—
  - (a) transport of samples of raw milk—
    - (i) to a laboratory authorised in respect of the disease under article 4 of the Specified Animal Pathogens Order 1998<sup>M18</sup>, or
    - (ii) to another laboratory under the authority of a licence granted by an inspector; or
  - (b) transport to premises other than a laboratory under the authority of a licence granted by an inspector.
- (3) A vehicle complies with this sub-paragraph if it—
  - (a) has been authorised to operate within the part of Wales in which the journey is to take place by a licence granted by the National Assembly, and

- (b) has been marked so as to identify the geographical area in which it is authorised to operate in accordance with the directions of the National Assembly.
- (4) A licence granted under sub-paragraph 2(b) must specify the route to be taken and must include a condition prohibiting the vehicle from entering any premises in the zone where susceptible animals are kept for purposes other than to load milk.
- (5) Any person transporting milk under the authority of a licence granted under sub-paragraph (2) must ensure that—
  - (a) the vehicle used is constructed and maintained so that there is no leakage of milk during transport and is equipped to avoid aerosol dispersion during loading and unloading,
  - (b) before every loading, the vehicle is cleansed and disinfected in accordance with the directions of an inspector, and
  - (c) after every loading and before leaving the premises, the connection pipes, tyres, wheel cases and lower parts of the vehicle, and any spillage of milk, are cleansed and disinfected in accordance with the directions of an inspector.
- (6) No person is permitted to process milk transported to a laboratory under this paragraph except under the authority of a licence granted by an inspector.

**Marginal Citations**

M18 [S.I. 1998/463](#).

## PART 3

### Measures applicable only in respect of a surveillance zone

#### **Movement of animals from premises in a surveillance zone**

**26.**—(1) Subject to the provisions of this paragraph, no person is permitted to move any susceptible animal from premises in a surveillance zone.

(2) The prohibition in sub-paragraph (1) does not apply to transport of susceptible animals for emergency slaughter under the authority of a licence granted by an inspector from premises in a surveillance zone direct to a slaughterhouse—

- (a) in the same surveillance zone, or
- (b) where there is no slaughterhouse in that surveillance zone, outside the surveillance zone and its associated protection zone.

(3) An inspector is not permitted to grant a licence under sub-paragraph (2) unless he or she is satisfied that—

- (a) a veterinary inspector has within the previous 24 hours carried out a clinical examination on every susceptible animal on the premises, and
- (b) there is no suspicion of infection or contamination on the premises.

(4) The prohibition in sub-paragraph (1) does not apply to transport of susceptible animals for slaughter under the terms of a licence granted by an inspector—

- (a) direct to a slaughterhouse outside that surveillance zone and its associated protection zone, or
- (b) direct to a slaughterhouse in that surveillance zone.

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

(5) An inspector is not permitted to grant a licence under sub-paragraph (4) unless he or she is satisfied that—

- (a) the records required by paragraph 1 have been maintained in respect of the premises,
- (b) a veterinary inspector has within the previous 24 hours inspected every susceptible animal on the premises and has carried out a clinical examination of a representative sample of such susceptible animals, and
- (c) there is no suspicion of infection or contamination on the premises.

(6) An inspector is not permitted to grant a licence under sub-paragraph (4)(a) unless he or she is also satisfied that—

- (a) there is no slaughterhouse in that surveillance zone with sufficient capacity to slaughter the animals, and
- (b) the slaughterhouse at which slaughter is to take place is the nearest slaughterhouse outside the surveillance zone and its associated protection zones with such capacity.

(7) A licence granted under sub-paragraph (2) or (4) may permit transport through the associated protection zone and in such case must include a condition requiring that the vehicle travels through that protection zone without stopping.

(8) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub-paragraph (2) or (4) must ensure that it is cleansed and disinfected in accordance with article 45.

(9) The prohibition in sub-paragraph (1) does not apply to the leading of susceptible animals to pasture in that surveillance zone under the authority of a licence granted by an inspector.

(10) An inspector is not permitted to grant a licence under sub-paragraph (9) unless—

- (a) he or she is satisfied that a veterinary inspector has examined all susceptible animals on the premises (including testing of samples) and concluded that there are no animals suspected of being infected or contaminated on the premises,
- (b) at least 15 days have elapsed since the most recent confirmed case of disease in the associated protection zone, and
- (c) the licence contains a term requiring that animals do not come into contact with susceptible animals from other premises.

(11) The prohibition in sub-paragraph (1) does not apply to movement from one part of premises to another part of the same premises using an intervening public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

### **Control of animal gatherings and gatherings of people in a surveillance zone**

**27.—**(1) No person is permitted to—

- (a) hold any animal gathering which includes susceptible animals in a surveillance zone, or
- (b) hold any gathering of people on premises in a surveillance zone in connection with the sale of any susceptible animal kept there at which more than two people (other than the owner or keeper of the animal and his or her representatives) are present,

except under the authority of a licence granted by the National Assembly.

(2) Subject to sub-paragraph (3), no person is permitted hold or take part in the following activities in a surveillance zone—

- (a) hunting any drag or other trail,
- (b) stalking, or
- (c) shooting deer,

except under the authority of a licence granted by the National Assembly.

(3) Nothing in sub-paragraph (2) makes it unlawful for the occupier of any land, members of his or her household, persons employed by him as beaters and any member of a shooting party of not more than three persons authorised by him or her to shoot deer found on that land.

#### **Fresh meat etc. derived from susceptible animals originating in a surveillance zone**

**28.**—(1) This paragraph applies to fresh meat, minced meat and mechanically separated meat derived from susceptible animals originating in a surveillance zone.

(2) No person is permitted to sell or consign for sale meat to which this paragraph applies or move such meat out of a surveillance zone unless—

- (a) it falls within sub-paragraph (3), or
- (b) it is meat (excluding heads, viscera and offal) which complies with sub-paragraph (4), (5) or (6), or
- (c) it falls within sub-paragraph (7).

(3) Meat falls within this sub-paragraph if it satisfies the following requirements—

- (a) it was produced before the date 21 days before the earliest infection date in the associated protection zone;
- (b) after production, it was at all times stored and transported separately from products to which this paragraph applies produced on or after that date;
- (c) it was health or identification marked and that mark was over stamped.

(4) Meat complies with this sub-paragraph if it is from ruminants and has been deboned so that it falls within paragraph 11 of Schedule 5 and matured so that it falls within paragraph 12 of Schedule 5.

(5) Meat complies with this sub-paragraph if—

- (a) the animals from which it was produced were resident on the same premises for at least 21 days before slaughter and were identified so as to allow the tracing of those premises, and
- (b) the meat has been clearly identified and detained under the supervision of the National Assembly for at least 7 days and until any suspicion of infection on the premises of origin has been ruled out.

(6) Meat complies with this sub-paragraph if—

- (a) the animals passed the 21 days before slaughter on the same premises during which no susceptible animal was introduced onto those premises,
- (b) samples taken within 48 hours before loading have been tested with a negative result in an assay for the detection of antibodies against the disease virus, and
- (c) the meat has been detained under the control of the National Assembly for 24 hours and released only after a repeat inspection of the animals on the premises of origin ruled out on clinical inspection the presence of infected animals or animals suspected of being infected.

(7) Meat falls within this sub-paragraph if—

- (a) it is trimmed offal;
- (b) it was health or identification marked and that mark was over stamped; and
- (c) it was subsequently treated so that it falls within paragraph 1 of Schedule 5.

#### **Fresh meat etc. produced on premises in a surveillance zone**

**29.**—(1) This paragraph applies to fresh meat, minced meat and mechanically separated meat derived from susceptible animals and produced on premises in a surveillance zone.

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

- (2) No person is permitted to sell or consign for sale meat to which this paragraph applies or move such meat out of a surveillance zone unless it has been produced in an establishment which—
- (a) is authorised by a licence granted by the National Assembly imposing such conditions as it considers necessary to ensure strict veterinary control of the establishment;
  - (b) processes only meat falling within sub-paragraph (3);
  - (c) at all times during the production process stores, identifies and transports products eligible for despatch outside the surveillance zone separately from those which are not and in accordance with the directions of the National Assembly.
- (3) Meat falls within this sub-paragraph if—
- (a) it was either—
    - (i) produced from animals transported to the slaughterhouse from the surveillance zone and it falls within sub-paragraph 28(4), 28(5) or 28(6), or
    - (ii) produced from animals reared and slaughtered outside the surveillance zone and its associated protection zone, or
    - (iii) produced from animals transported to the slaughterhouse from the protection zone under the authority of a licence granted under paragraph 12(2)(e); and
  - (b) it is health or identification marked.

**Meat products produced from meat derived from susceptible animals originating in a surveillance zone or produced on premises in a surveillance zone**

**30.**—(1) This paragraph applies to meat products—

- (a) produced from meat derived from susceptible animals originating in a surveillance zone, or
- (b) produced on premises in a surveillance zone.

(2) No person is permitted to sell or consign for sale any product to which this paragraph applies or move any such product out of a surveillance zone unless it complies with sub-paragraph (3) or sub-paragraph (4).

(3) Meat products comply with this sub-paragraph if they are produced from fresh meat, minced meat or mechanically separated meat which was—

- (a) health or identification marked and that mark was over stamped,
- (b) transported to an establishment designated by the National Assembly as authorised to treat meat from a surveillance zone, and
- (c) treated at that establishment so that it falls within paragraph 1 of Schedule 5.

(4) Meat products comply with this sub-paragraph if they are produced in an establishment which—

- (a) is authorised by a licence granted by the National Assembly imposing such conditions as it considers necessary to ensure strict veterinary control of the establishment;
- (b) processes only meat falling within sub-paragraph 29(3);
- (c) at all times during the production process stores, identifies and transports products eligible for despatch outside the surveillance zone separately from those which are not and in accordance with the directions of the National Assembly.

### **Milk and milk products produced from susceptible animals originating in a surveillance zone or on premises in a surveillance zone**

**31.**—(1) No person is permitted to sell or consign for sale the milk of a susceptible animal originating in a surveillance zone or any milk product produced from such milk unless it complies with sub-paragraph (2) or (3).

(2) Milk and milk products comply with this sub-paragraph if—

- (a) they were produced before the date 21 days before the earliest infection date in the associated protection zone, and
- (b) they have at all times been stored and transported separately from milk and milk products produced on or after that date.

(3) Milk and milk products comply with this sub-paragraph if—

- (a) they have been treated so as to fall within paragraph 13 or 14 of Schedule 5, and
- (b) that treatment was carried out either—
  - (i) in the surveillance zone on premises complying with sub-paragraph (6), or
  - (ii) outside any protection or surveillance zone on such premises as the National Assembly may direct.

(4) No person is permitted to sell or consign for sale the milk of a susceptible animal produced on premises in a surveillance zone or any milk product produced from such milk unless—

- (a) the transport of raw milk from outside the zone and its associated protection zone to those premises complies with sub-paragraph (5), and
- (b) those premises comply with sub-paragraph (6).

(5) Transport of raw milk complies with this sub-paragraph if—

- (a) the vehicle was cleansed and disinfected at the premises of origin and before loading in accordance with the directions of an inspector, and
- (b) the vehicle did not enter any other premises in a protection or surveillance zone where susceptible animals are kept since that cleansing and disinfection.

(6) Premises comply with this sub-paragraph if they satisfy the following requirements—

- (a) they are authorised by a licence granted by the National Assembly imposing such conditions as it considers necessary to ensure strict veterinary control;
- (b) all milk entering the premises—
  - (i) complies with sub-paragraph (3), or
  - (ii) enters for treatment so that it complies with sub-paragraph (3), or
  - (iii) was produced outside the surveillance zone and its associated protection zone;
- (c) milk on the premises and leaving the premises is clearly identified as eligible for sale outside the surveillance zone and is at all times stored and transported separately from milk and milk products which are not so eligible.

### **Collection, transport and processing of raw milk produced in a surveillance zone**

**32.**—(1) No person is permitted to collect and transport raw milk produced on premises in a surveillance zone where susceptible animals are kept out of that surveillance zone or process any such milk unless such transport complies with sub-paragraph (2) and is carried out in a vehicle which complies with sub-paragraph (3).

(2) Transport complies with this sub-paragraph if it is—

- (a) transport of samples of raw milk—

*Status: Point in time view as at 28/03/2014.*

*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

- (i) to a laboratory authorised in respect of the disease under article 4 of the Specified Animal Pathogens Order 1998<sup>M19</sup>, or
- (ii) to another laboratory under the authority of a licence granted by an inspector;
- (b) transport to premises other than a laboratory under the authority of a licence granted by an inspector.
- (3) A vehicle complies with this sub-paragraph if it—
  - (a) has been authorised to operate in the part of Wales in which the journey is to take place by a licence granted by the National Assembly, and
  - (b) has been marked so as to identify the geographical area in which it is authorised to operate in accordance with the directions of the National Assembly.
- (4) A licence granted under sub-paragraph (2)(b) must specify the route to be taken and must include a condition prohibiting the vehicle from entering any premises in the zone where susceptible animals are kept for purposes other than to load milk.
- (5) Any person transporting milk under the authority of a licence granted under sub-paragraph (2) must ensure that—
  - (a) the vehicle used is constructed and maintained so that there is no leakage of milk during transport and is equipped to avoid aerosol dispersion during loading and unloading,
  - (b) before every loading, the vehicle is cleansed and disinfected in accordance with the directions of an inspector, and
  - (c) after loading and before leaving the premises, the connection pipes, tyres, wheel cases and lower parts of the vehicle, and any spillage of milk, are cleansed and disinfected in accordance with the directions of an inspector.
- (6) No person is permitted to process milk transported under this paragraph except under the authority of a licence granted by an inspector.

#### **Marginal Citations**

**M19** S.I. 1998/463.

### **Transport, treatment and spreading of dung and manure produced in a surveillance zone**

**33.**—(1) This paragraph applies to dung or manure—

- (a) from premises within a surveillance zone where susceptible animals are kept, or
- (b) collected from vehicles carrying susceptible animals from or within a surveillance zone.

(2) No person is permitted to transport dung or manure to which this paragraph applies unless such transport complies with sub-paragraph (3), (5) or (7), and with sub-paragraph (10).

(3) Transport of dung or manure complies with this sub-paragraph where it is to an establishment for treatment to destroy the disease virus and under the authority of a licence granted by the National Assembly.

[<sup>F8</sup>(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub-paragraph (3) must ensure that it is treated in accordance with Articles 15 and 32 of Regulation (EC) No. 1069/2009 and Articles 10 and 22 of and Section 2 of Chapter I of Annex XI to Regulation (EU) No. 142/2011.]

- (5) Transport of dung or manure complies with this sub-paragraph if—
  - (a) the dung or manure is for spreading,



- (b) the transport is under the authority of a licence granted by an inspector, and
  - (c) before grant of the licence a veterinary inspector clinically examined all susceptible animals on the premises where it was produced and was satisfied by such examination that they are not suspected of infection.
- (6) No person is permitted to spread dung or manure transported by authority of a licence granted under sub-paragraph (5) unless such spreading is authorised by a licence granted by an inspector and the dung or manure—
- (a) is spread from not more than 1 metre above the ground,
  - (b) if liquid, is not discharged by equipment producing a jet or spray unless the discharge point is directed downwards at an angle of not less than 45° from horizontal, and
  - (c) is immediately incorporated into the ground.
- (7) Transport of dung or manure complies with this sub-paragraph if—
- (a) the dung or manure is for spreading,
  - (b) the transport is under the authority of a licence granted by an inspector, and
  - (c) before grant of the licence a veterinary inspector clinically inspected all susceptible animals on the premises where it was produced and was satisfied that they are not suspected of infection.
- (8) No person is permitted to spread dung or manure transported by authority of a licence granted under sub-paragraph (7) unless such spreading is authorised by a licence granted by an inspector and the dung or manure is injected into the ground.
- (9) Any licence granted under sub-paragraph (6) or (8) must contain at least the following terms—
- (a) designation of the areas within which the dung and manure must be spread;
  - (b) designation of a distance from other premises where susceptible animals are kept within which dung or manure must not be spread.
- (10) Transport of dung or manure complies with this sub-paragraph if it is carried out in a vehicle which is—
- (a) constructed and maintained so that there is no leakage of the load during transport, and
  - (b) cleansed and disinfected after loading and before leaving the premises of origin.
- (11) After transporting dung or manure under this paragraph, the person in charge of the vehicle must ensure it is cleansed and disinfected after unloading or spreading and before leaving the premises of destination.
- (12) The person in charge of a vehicle to be cleansed and disinfected so as to comply with sub-paragraph (10) or sub-paragraph (11) must ensure that such cleansing and disinfection is carried out so that—
- (a) the exterior (including the wheels and wheel arches) is not marked with mud, dung, manure or similar matter on leaving either premises,
  - (b) the interior (excluding any driver or passenger compartment) is not so marked on leaving the premises of destination, and
  - (c) any additional requirements as an inspector directs are complied with.

#### Textual Amendments

- F8** Sch. 4 para. 33(4) substituted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), reg. 1(2)(3), **Sch. 2 para. 1(5)(b)**

**Status:** Point in time view as at 28/03/2014.  
**Changes to legislation:** There are currently no known outstanding effects for the  
 The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)

## SCHEDULE 5

Article 27(3) and Schedule 4

Treatments to ensure the destruction of disease virus

**PART 1**

Products of animal origin (other than fresh meat, milk and milk products)

**Meat products**

1. Meat products fall within this paragraph if they have undergone any of the following treatments or are produced from meat which has undergone those treatments—

- (a) heat treatment in a hermetically sealed container at a level of at least Fo3;
- (b) heat treatment at a minimum temperature of 70°C, reached throughout the meat;
- (c) heat treatment in a hermetically sealed container to at least 60°C for a minimum of 4 hours, during which the core temperature must be at least 70°C for 30 minutes;
- (d) natural fermentation and maturation of not less than nine months, resulting in the following characteristics—
  - (i) Aw value of not more than 0.93, or
  - (ii) pH value of not more than 6.0;
- (e) heat treatment ensuring a core temperature of at least 65°C is reached for the time necessary to achieve a pasteurisation value equal to or more than 40.

**Hides and skins**

2. [<sup>F9</sup>Hides and skins fall within this paragraph if they comply with the requirements in Article 36 of Regulation (EC) No. 1069/2009 and point 28(c) and (d) of Annex I to Regulation (EU) No. 142/2011].

**Textual Amendments**

**F9** Sch. 5 para. 2 substituted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), reg. 1(2)(3), **Sch. 2 para. 1(6)(a)**

**Wool, ruminant hair and pig bristles**

3. [<sup>F10</sup>Wool, ruminant hair and pig bristles fall within this paragraph if they comply with the requirements of Article 36 of Regulation (EC) No. 1069/2009 and Article 24(4) of Regulation (EU) No. 142/2011].

**Textual Amendments**

**F10** Sch. 5 para. 3 substituted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), reg. 1(2)(3), **Sch. 2 para. 1(6)(b)**

### Products derived from susceptible animals

4. Products derived from susceptible animals fall within this paragraph if they have undergone one of the following treatments—

- (a) heat treatment in a hermetically sealed container at a level of at least Fo3;
- (b) heat treatment in which the centre temperature is raised to at least 70°C for at least 60 minutes.

### Blood and blood products

5. <sup>F11</sup>Blood and blood products of susceptible animals fall within this paragraph if they are used for technical purposes (including pharmaceuticals, in vitro diagnostics and laboratory reagents) and have undergone any of the treatments referred to in point 2(b)(ii) of Chapter IV of Annex XIII to Regulation No. 142/2011].

#### Textual Amendments

**F11** Sch. 5 para. 5 substituted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), reg. 1(2)(3), **Sch. 2 para. 1(6)(c)**

### Lard and rendered fats

6. <sup>F12</sup>Lard and rendered fats fall within this paragraph if they have undergone the heat treatment referred to in point 3(d) of Chapter I of Annex XIV to Regulation (EU) No. 142/2011].

#### Textual Amendments

**F12** Sch. 5 para. 6 substituted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), reg. 1(2)(3), **Sch. 2 para. 1(6)(d)**

### Petfood and dog chews

7. <sup>F13</sup>Petfood and dog chews fall within this paragraph if they comply with Chapter II of Annex XIII to Regulation (EU) No. 142/2011].

#### Textual Amendments

**F13** Sch. 5 para. 7 substituted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), reg. 1(2)(3), **Sch. 2 para. 1(6)(e)**

### Game trophies of ungulates

8. <sup>F14</sup>Game trophies of ungulates fall within this paragraph if they comply with the requirements of Chapter VI of Annex XIII to Regulation (EU) No. 142/2011].

#### Textual Amendments

**F14** Sch. 5 para. 8 substituted (28.3.2014) by [The Animal By-Products \(Enforcement\) \(Wales\) Regulations 2014 \(S.I. 2014/517\)](#), reg. 1(2)(3), **Sch. 2 para. 1(6)(f)**

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*Changes to legislation: There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006. (See end of Document for details)*

### **Animal casings**

9. Animal casings fall within this paragraph if they have been cleaned, scraped and either salted with sodium chloride for 30 days or bleached or dried after scraping and were protected from recontamination after treatment.

## **PART 2**

### **Products not of animal origin**

#### **Straw and forage**

10. Straw and forage falls within this paragraph if it has either—
- (a) undergone the action of—
    - (i) steam in a closed chamber for at least 10 minutes and at a minimum temperature of 80°C, or
    - (ii) formalin fumes (formaldehyde gas) produced in a chamber kept closed for at least 8 hours and at a minimum temperature of 19°C, at 35-40% concentration; or
  - (b) been stored in packages or bales under shelter at premises situated not closer than 2 kilometres to the nearest infected premises and kept at such premises until at least three months have elapsed following the completion of all cleansing and disinfection in the protection zone surrounding the nearest infected premises (and in any case not before that protection zone has been terminated).

## **PART 3**

### **Fresh meat**

#### **De-boning**

11. Meat (together with diaphragms but excluding offal) is deboned so that it falls within this paragraph if the bone and main accessible lymphatic glands have been removed.

#### **Maturation**

12. Carcasses are matured so that they fall within this paragraph if they—
- (a) have been matured at a temperature of more than 2°C for at least 24 hours, and
  - (b) have a pH value in the middle of the Longissimus dorsi recorded at less than 6.0.

## **PART 4**

### **Milk and milk products**

#### **Milk and milk products for human consumption**

13.—(1) Milk and milk products for human consumption fall within this paragraph if they have undergone one of the following treatments—

- (a) sterilisation at a level of at least Fo3;

- (b) Ultra-High Temperature treatment at 132°C for at least one second;
- (c) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test (with any pasteurisation under this paragraph applied twice to milk with a pH of 7.0 or above);
- (d) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test and either—
  - (i) lowering the pH below 6.0 for at least one hour, or
  - (ii) heating to 72°C or more combined with desiccation.

(2) Milk products for human consumption fall within this paragraph if they are produced from milk which has undergone one of the treatments in sub-paragraph (1).

### **Milk and milk products not intended for human consumption**

14.—(1) Milk and milk products not intended for human consumption (including whey intended for susceptible animals) fall within this paragraph if they have undergone one of the following treatments—

- (a) sterilisation at a level of at least Fo3;
- (b) Ultra-High Temperature treatment at 132°C for at least one second and either;
  - (i) lowering the pH below 6.0 for at least one hour, or
  - (ii) heating to 72°C or more combined with desiccation;
- (c) High Temperature Short Time pasteurisation, applied twice, at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test;
- (d) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test and either—
  - (i) lowering that pH below 6.0 for at least one hour, or
  - (ii) heating to 72°C or more combined with desiccation.

(2) Milk products not for human consumption (other than whey intended for susceptible animals) fall within this paragraph if they are produced from milk which has undergone one of the treatments in sub-paragraph (1).

(3) Whey intended for susceptible animals falls within this paragraph if it is—

- (a) collected at least 16 hours after milk clotting, and
- (b) (if intended for feeding to pigs) has a recorded pH of less than 6.0 before leaving the establishment in which the milk has been treated.

## SCHEDULE 6

Article 39

### Measures applicable in respect of a restricted zone

#### **Movement of susceptible animals in a restricted zone**

1.—(1) Subject to sub-paragraph (3) no person is permitted to move a susceptible animal—

- (a) from premises within a restricted zone, or

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(b) into or out of a restricted zone,  
except under the authority of a licence granted by an inspector.

(2) The person in charge of any vehicle used to move susceptible animals under such a licence must ensure that it is cleansed and disinfected in accordance with article 45.

(3) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone, surveillance zone or vaccination zone.

### **Slaughter of susceptible animals in a restricted zone**

2. Where a susceptible animal is moved to a slaughterhouse in a restricted zone, the occupier of the slaughterhouse must ensure that it is slaughtered in accordance with any directions given by an inspector and in any case within 24 hours of arrival.

### **Control of products from slaughterhouses in a restricted zone**

3.—(1) No person is permitted to move any carcass or animal product (unless intended for human consumption) or any manure, slurry or litter from a slaughterhouse in a restricted zone except—

- (a) for disposal; or
- (b) under the authority of a licence granted by an inspector (which must include a condition prohibiting any intermediate movement to any premises where susceptible animals are kept).

(2) Any person transporting any thing under the authority of a licence granted under subparagraph (1)(b) must—

- (a) do so in a drip-proof container or vehicle, and
- (b) cleanse and disinfect the vehicle, as soon as possible after unloading and in any event before re-use, in accordance with the directions of an inspector.

(3) The occupier of premises to which any carcass or animal product is moved under this paragraph must ensure that it is not brought into contact with, or fed to, any susceptible animal.

### **Control of carcasses in a restricted zone**

4.—(1) No person is permitted to move any carcass of a susceptible animal (other than the carcass of an animal slaughtered for human consumption or the carcass of an animal suspected of BSE or scrapie intended for disposal) from premises in a restricted zone other than a slaughterhouse except under the authority of a licence granted by an inspector.

(2) The carcass of a deer which has been culled must not be considered to have been slaughtered for human consumption.

### **Straying of susceptible animals in a restricted zone**

5.—(1) The keeper of a susceptible animal in a restricted zone must take all such steps as are necessary to prevent it from straying from the premises on which it is kept.

(2) An inspector may detain any stray or feral susceptible animal found in a restricted zone.

### **Control of animal gatherings and gatherings of people in a restricted zone**

6.—(1) No person is permitted to—

- (a) hold any animal gathering which includes susceptible animals in a restricted zone, or

- (b) hold any gathering of people on premises in a restricted zone in connection with the sale of any susceptible animal kept there at which more than two people (other than the owner or keeper of the animal and his or her representatives) are present,

except under the authority of a licence granted by the National Assembly.

(2) Subject to sub-paragraph (3) no person is permitted hold or take part in the following activities in a restricted zone—

- (a) hunting any drag or other trail,
- (b) stalking, or
- (c) shooting deer,

except under the authority of a licence granted by the National Assembly.

(3) Nothing in sub-paragraph (2) makes it unlawful for the occupier of any land, members of his or her household, persons employed by him or her as beaters and any member of a shooting party of not more than three persons authorised by him or her, to shoot deer found on that land.

(4) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

#### **Shearing or dipping of sheep in a restricted zone**

7.—(1) Subject to sub-paragraph (2), no person is permitted to—

- (a) shear or dip sheep, or
- (b) handle fleeces or sheep during shearing or dipping,

in a restricted zone except under the authority of a licence granted by an inspector.

(2) The prohibition in sub-paragraph (1) does not apply to the occupier of any premises or his or her employees (other than any person employed by him or her primarily for the purpose of shearing or dipping sheep) in respect of the shearing or dipping of sheep kept on those premises.

(3) In this paragraph—

- (a) “shearing” includes clipping and dagging, and
- (b) “dipping” includes showering and jetting sheep with sheep dip.

(4) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

#### **Ultrasound scanning of sheep in a restricted zone**

8.—(1) Subject to sub-paragraph (2), no person is permitted to carry out ultrasound scanning of sheep in a restricted zone except under the authority of a licence granted by an inspector.

(2) The prohibition in sub-paragraph (1) does not apply to the occupier of any premises or his or her employees (other than any person employed by him or her primarily for the purpose of carrying out ultrasound scanning of sheep) in respect of the carrying out of ultrasound scanning of sheep kept on those premises using ultrasound scanning equipment of which the occupier is the owner or person in charge.

(3) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

#### **Cleansing and disinfection of slaughterhouses in a restricted zone**

9. The occupier of any collecting centre or slaughterhouse in a restricted zone must cleanse and disinfect the premises in accordance with the directions of an inspector as soon as is practicable after

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*Changes to legislation: There are currently no known outstanding effects for the*  
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it has been emptied of animals and in any event before any susceptible animal, fodder, litter or other thing liable to spread disease is moved there again.

## SCHEDULE 7

Article 41(1)

### Measures applicable in respect of a wild animal infected zone

#### Notification of dead wild susceptible animals in a wild animal infected zone

1. Any person who kills a wild susceptible animal or finds such an animal dead in a wild animal infected zone must notify the [<sup>F15</sup>Welsh Ministers].

#### Textual Amendments

**F15** Words in [Sch. 7 para. 1](#) substituted (1.4.2010) by [The Animal Health \(Divisional Veterinary Managers\) \(Wales\) Order 2010 \(S.I. 2010/618\)](#), arts. 1, 2(1), [Sch. 1](#)

#### Record keeping in a wild animal infected zone

2. The occupier of any premises in a wild animal infected zone where susceptible animals are kept must create a record of the number of each species of susceptible animals kept on the premises and must maintain that record by updating it every time that number changes.

#### Isolation of susceptible animals in a wild animal infected zone

3. The occupier of any premises in a wild animal infected zone where susceptible animals are kept must ensure that—

- (a) susceptible animals are isolated as far as is reasonably practicable from contact with wild animals; and
- (b) fodder, litter and any other material which may come into contact with susceptible animals is isolated as far as is reasonably practicable from contact with wild animals.

#### Movement of susceptible animals in a wild animal infected zone

4. No person is permitted to move any susceptible animal from or to premises in a wild animal infected zone except under the authority of a licence granted by the National Assembly.

#### Cleansing and disinfection in a wild animal infected zone

5.—(1) The occupier of any premises in a wild animal infected zone must ensure that means of disinfection are provided and used at all entrances to buildings where susceptible animals are kept in accordance with the directions of an inspector.

(2) Any person coming into contact with a wild susceptible animal must cleanse himself or herself and launder his or her clothing as soon as is reasonably practicable after such contact.

#### Carcasses and things which may be contaminated in a wild animal infected zone

6. No person is permitted to bring the following on to premises in a wild animal infected zone where susceptible animals are kept—



- (a) any carcase of a wild animal;
- (b) any material, equipment or other thing which may be contaminated.

### **Movement of semen, ova and embryos out of a wild animal infected zone for trade**

7. No person is permitted to move any semen, embryo or ovum of a susceptible animal out of a wild animal infected zone for the purpose of trade with another Member State.

## SCHEDULE 8

Article 30(2)

### Restocking of premises

#### **General principles**

1. Paragraphs 2 to 5 apply subject to paragraphs 6 and 7.
2. Animals for restocking may only be introduced under the following conditions—
  - (a) the animals have not come from a temporary control zone, protection zone, surveillance zone or vaccination zone.
  - (b) the National Assembly must have confirmed by notice served on the occupier that it is satisfied that no residual disease virus can be detected in the animals on the basis of clinical signs (for bovine animals or swine) or laboratory investigations (for other species).
  - (c) the animals must either—
    - (i) originate on and come from premises where there has been no confirmed case of disease within 10 kilometres for at least 30 days, or
    - (ii) have been tested with negative results in an assay for the detection of antibodies against the disease virus carried out on samples taken prior to restocking.
3. During restocking, animals may be introduced into all units and buildings of the premises.
- 4.—(1) Subject to sub-paragraph (2), during restocking each animal must—
  - (a) be subject to clinical inspection every three days for the first 14 days following its introduction; and
  - (b) during the period from 15 to 28 days after its introduction, be subject to clinical inspection once per week.

(2) If no infected premises have been declared within 10km of any premises for at least 3 months before the commencement of restocking, the National Assembly may, by notice served on the occupier of those premises, except those premises from the requirements of sub-paragraph (1).
5. Not earlier than 28 days after the last introduction, each animal must be clinically examined by a veterinary inspector and samples tested for the presence of antibodies against the disease virus.

#### **Restocking of premises in a vaccination zone**

6. Instead of restocking in accordance with paragraphs 2 to 5, premises in a vaccination zone may be restocked if the following conditions are satisfied—
  - (a) a veterinary inspector has, within the previous 24 hours, carried out a clinical examination on every susceptible animal on every premises of origin of an animal to be introduced without having identified signs of disease;

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- (b) no animal to be introduced has come from a protection or surveillance zone;
- (c) every animal to be introduced has been tested for antibodies against disease by a veterinary inspector after the end of its incubation period with negative results or a serological survey has been completed by a veterinary inspector on the animals to be introduced with negative results.

#### **Restocking of premises outside a vaccination zone with vaccinated animals: surveillance**

7. Where any vaccinated animal is to be introduced to premises outside a vaccination zone—
- (a) it will not be subject to paragraphs 2 to 5, and
  - (b) if the proportion of vaccinated animals to be introduced is 75% or greater, then not earlier than 28 days after the last introduction of susceptible animals to those premises, the National Assembly must ensure that the vaccinated animals are randomly tested for the detection of antibodies against non structural proteins.

#### **Movement of susceptible animals during restocking**

8. During restocking no person is permitted to move susceptible animals from the premises.

#### **Completion of restocking**

9. The National Assembly must declare the completion of restocking by notice served on the occupier if—
- (a) every introduced unvaccinated animal on the premises has undergone the examination and test in paragraph 5 with negative results and, where sub-paragraph 7(b) applies, the tests in that sub-paragraph have been carried out with negative results; or
  - (b) the conditions in paragraph (6) are satisfied.

### SCHEDULE 9

Article 63

#### Orders Revoked

<i>Orders revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Foot-and-Mouth Disease Order 1983	S.I. 1983/1950	The Order insofar as it applies to Wales.
The Foot-and-Mouth Disease (Amendment) (No.2) Order 1993	S.I. 1993/3119	The Order insofar as it applies to Wales.
The Foot-and-Mouth Disease (Amendment) (Wales) Order 2001	S.I. 2001/572 (W 26)	The whole Order
The Foot-and-Mouth Disease (Amendment) (Wales) (No.2) Order 2001	S.I. 2001/658 (W 33)	The whole Order
The Foot-and-Mouth Disease (Amendment) (Wales) (No.3) Order 2001	S.I. 2001/968 (W 46)	The whole Order

The Foot-and-Mouth Disease (Amendment) (Wales) (No.4) Order 2001	S.I. 2001/1033 (W 47)	The whole Order
The Foot-and-Mouth Disease (Amendment) (Wales) (No.4) (Amendment) Order 2001	S.I. 2001/1234 (W 67)	The whole Order
The Foot-and-Mouth Disease (Amendment) (Wales) (No.5) Order 2001	S.I. 2001/1406 (W 93)	The whole Order
The Foot-and-Mouth Disease (Amendment) (Wales) (No.6) Order 2001	S.I. 2001/1509 (W 106)	The whole Order
The Foot-and-Mouth Disease (Amendment) (Wales) (No.7) Order 2001	S.I. 2001/1874 (W 134)	The whole Order
The Foot-and-Mouth Disease (Amendment) (Wales) (No.8) Order 2001	S.I. 2001/2236 (W 162)	The whole Order
The Foot-and-Mouth Disease (Amendment) (Wales) (No.9) Order 2001	S.I. 2001/2813 (W 242)	The whole Order
The Foot-and-Mouth Disease (Amendment) (Wales) (No.10) Order 2001	S.I. 2001/2981 (W 248)	The whole Order
The Foot-and-Mouth Disease (Amendment) (Wales) (No.11) Order 2001	S.I. 2001/3145 (W 260)	The whole Order
The Foot-and-Mouth Disease (Amendment) (Wales) (No.12) Order 2001	S.I. 2001/3706 (W 303)	The whole Order
The Foot-and-Mouth Disease (Amendment) (Wales) (No.13) Order 2001	S.I. 2001/4009 (W 335)	The whole Order

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## EXPLANATORY NOTE

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

This Order transposes, in part, Council Directive [2003/85/EC](#) of the 29 September 2003 on Community measures for the control of foot and mouth disease (OJ No. L306, 22.11.2003, p.1) (“the Directive”). It revokes and replaces the Foot and Mouth Disease Order 1983 as amended (S.I. 1983 / 1950) (“the 1983 Order”).

**Status:** Point in time view as at 28/03/2014.

**Changes to legislation:** There are currently no known outstanding effects for the *The Foot-and-Mouth Disease (Wales) Order 2006*. (See end of Document for details)

The Directive sets out the measures to be adopted in the event of a suspected or confirmed outbreak of foot and mouth disease (“the disease”). It provides for emergency vaccination as a disease control strategy alongside the slaughter susceptible animals on infected premises and those animals identified as dangerous contacts. The Directive introduces a number of “zones” of different levels of disease control (such as protection, surveillance and vaccination) where disease is either suspected, present or where vaccination is used.

The Directive provides for food chain controls on fresh meat and meat products from animals originating or produced in protection and surveillance zones, controls on animal movements in certain zones (except to slaughter) and controls on the collection and sampling of milk for hygiene purposes.

The Directive is transposed in relation to Wales, by three separate pieces of legislation. The majority of its provisions are transposed by this Order, however certain requirements pertaining to the compulsory slaughter of animals are transposed by the Animal Health Act 1981 (Amendment) Regulations 2005 (S.I. 2005/3475) with the requirements pertaining to vaccination being transposed by the Foot and Mouth Disease (Control of Vaccination) (Wales) Regulations 2006 (S.I. 2006/180 (W.31)).

The principal disease control and eradication provisions introduced by this Order relate to the following:

- (i) Rules pertaining to common and unenclosed land (Article 4);
- (ii) Format, content extent and publication of licences, notices, certificates and declarations made under the Order (Articles 5, 6 and 7);
- (iii) Requirements as to disinfection carried out under the Order (Article 8)
- (iv) Duties on persons to notify the presence, or suspicion, of the disease (Articles 9, 10 and 11);
- (v) Veterinary inquiry as to existence of disease and declaration of suspect, infected or contact premises (Articles 12 and 14);
- (vi) Declaration of separate production units (Article 13);
- (vii) Maintenance of measures in respect of premises (Article 15);
- (viii) Temporary Control Zones and Supplementary Movement Control Zones: Declaration as to existence of, and measures applicable within (Articles 16 to 20);
- (ix) Tracing of Products originating on infected premises (Article 21);
- (x) Slaughter of animals: Notices, clinical examination, place of, controls of carcasses and materials, cleansing and disinfection and restocking (Articles 22-30);
- (xi) Declaration of, measures applicable within, and termination of Protection and Surveillance Zones (Articles 31 to 37);
- (xii) Declaration of, and measures applicable within, Restricted Zones and Wild Animal Infected Zones (Articles 38 to 41);
- (xiii) Requirements pertaining to licensed movements of susceptible animals (Article 42);
- (xiv) Premises keeping animals of special value (Article 43);
- (xv) Duty of local authorities to erect signs (Article 44);
- (xvi) Cleansing, disinfection and inspection of vehicles (Article 45 and 46);
- (xvii) Marks applied to carcasses, animal products and other things under the Order (Article 47);
- (xviii) Change of occupation of premises under restriction (Article 48);
- (xix) Enforcement and execution of Order, including provision of assistance, information and records, compliance with directions and notices, powers of inspectors and offences (Articles 49 to 59);
- (xx) Amendments and revocations (Articles 60 to 63);

- (xxi) Detailed rules on cleansing and disinfection (Schedule 1);
- (xxii) Measures applicable to premises on suspicion or confirmation of disease there, including records keeping, signs, movements of animals, persons, vehicles and other things and disinfection (Schedule 2);
- (xxiii) Criteria for confirming disease (Schedule 3);
- (xxiv) Detailed measures applicable in Protection and Surveillance Zones (Schedule 4);
- (xxv) Treatments to ensure the destruction of the disease virus for both products of animal origin (including fresh meat, milk and milk products) and products not of animal origin (Schedule 5);
- (xxvi) Measures applicable to Restricted Zones and Wild Animal Infected Zones (Schedules 6 and 7);
- (xxvii) Restocking of Premises (Schedule 8);
- (xxviii) Revocations (Schedule 9)

A regulatory appraisal has been prepared in respect of this Order and is available for inspection at the Office of the Chief Veterinary Officer, National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ.

**Status:**

Point in time view as at 28/03/2014.

**Changes to legislation:**

There are currently no known outstanding effects for the The Foot-and-Mouth Disease (Wales) Order 2006.