
WELSH STATUTORY INSTRUMENTS

2006 No. 179

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

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—
 - “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 ^{M1};
 - “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](#) ^{M2}^{F1}, as last amended by Commission Implementing Decision (EU) 2018/1099];

“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 [^{F3}as defined in Article 3(51) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products];

“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 ^{M3};

“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;

[^{F4}“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) [^{F5}, as last amended by Council Regulation (EU) 1385/2013];]

[^{F4}“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 [^{F6}, as last amended by Commission Regulation (EU) 2017/1262];]

“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^{M4};

“supplementary movement control zone” means a supplementary movement control zone declared under article 19(1);

“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 ^{M5};

“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 inserted (28.3.2019) by [The Rural Affairs, Environment, Fisheries and Food \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2019 \(S.I. 2019/463\)](#), regs. 1(3), **5(2)(a)**
- F2** 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**
- F3** Words in reg. 3(1) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **17**
- F4** 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)**
- F5** Words in art. 3 inserted (28.3.2019) by [The Rural Affairs, Environment, Fisheries and Food \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2019 \(S.I. 2019/463\)](#), regs. 1(3), **5(2)(b)**
- F6** Words in art. 3 inserted (28.3.2019) by [The Rural Affairs, Environment, Fisheries and Food \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2019 \(S.I. 2019/463\)](#), regs. 1(3), **5(2)(c)**

Marginal Citations

- M1** [S.I. 2005/1158 \(W.75\)](#).
- M2** OJ No. L306, 22.11.2003, p.1.
- M3** 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).
- M4** [S.I. 2006/31 \(W.5\)](#).
- M5** [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,
 - (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 [^{F7}the Diseases of Animals (Approved Disinfectants) (Wales) Order 2007],
- (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.

Textual Amendments

F7 Words in art. 8(a) substituted (17.12.2018) by [The Environment, Planning and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/1216\)](#), regs. 1(3), **28(2)**

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 [^{F8}Welsh Ministers].

(2) A person who in the course of his or her occupation discovers that an animal or carcass not in his or her possession or charge is infected or suspected of being infected must immediately notify the [^{F8}Welsh Ministers].

(3) If the occupier of any premises notifies the [^{F8}Welsh Ministers] under this article of an animal or carcass 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 [^{F8}Welsh Ministers].

[^{F9}(5) Where notification is received under this article from a person other than the occupier of the premises where the relevant animal or carcass 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 ^{M6}.

Textual Amendments

F8 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**

F9 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

M6 [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—

- (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^{M7} 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

M7 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 carcass 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—
 - (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
- ^[^{F10}](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

F10 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
- [^{F11}(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

F11 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—

- (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.

[^{F12}(5) In this article, “border inspection post” means one that has been listed in Commission Decision 2009/821/EC drawing up a list of approved border inspection posts.]

Textual Amendments

F12 Art. 32(5) substituted (28.3.2019) by [The Rural Affairs, Environment, Fisheries and Food \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2019 \(S.I. 2019/463\)](#), regs. 1(3), 5(3)

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—

(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 [F13the Trade in Animals and Related Products (Wales) Regulations 2011];
 - (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.

Textual Amendments

- F13** Words in art. 43(1)(b)(ii) substituted (17.12.2018) by [The Environment, Planning and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/1216\)](#), regs. 1(3), **28(3)**

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 ^{M8} 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.

Marginal Citations

- M8** [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,
 - (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 ^{M9}, 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;”.

Marginal Citations

M9 [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 ^{M10}—

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) 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

M10 [S.I. 2001/2771](#) (W.232).

Amendment to the Disease Control (Wales) Order 2003

62. In the Disease Control (Wales) Order 2003 ^{M11}, 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

M11 [S.I. 2003/1966](#) (W.211).

Revocations

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

^{M12}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

M12 [1998 c. 38.](#)

Changes to legislation:

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