

---

WELSH STATUTORY INSTRUMENTS

---

**2006 No. 179**

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

**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 regulation 9 of the Animal and Animal Products (Import and Export) (Wales) Regulations 2005<sup>(1)</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.

#### **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.

---

<sup>(1)</sup> S.I. 2005/1158 (W.75).

### **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(2) 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.

### **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.