
WELSH STATUTORY INSTRUMENTS

2024 No. 971 (W. 165)

ANIMALS, WALES

ANIMAL HEALTH

**The Exotic Disease (Application and
Amendment of Enactments) (Wales) Order 2024**

Made - - - - 19 September 2024

Coming into force - - 23 September 2024

The Welsh Ministers, in exercise of the powers conferred by sections 1, 8(1)(1), 15(4), 17(1), 23(b) and (c), 25, 32(2), 35(1), 83(2), and 88(2) of the Animal Health Act 1981(2), make the following Order.

Title and coming into force

1.—(1) The title of this Order is the Exotic Disease (Application and Amendment of Enactments) (Wales) Order 2024.

(2) This Order comes into force on 23 September 2024.

Extension of the definition of “disease”

2. For the purposes of the Animal Health Act 1981, as it applies in relation to Wales, the definition of “disease” in section 88(1) of that Act is extended to include—

- (a) bluetongue;
- (b) transmissible spongiform encephalopathy;
- (c) African swine fever, and
- (d) epizootic haemorrhagic disease.

Amendments to the Movement of Animals (Restrictions) (Wales) Order 2003

3.—(1) The Movement of Animals (Restrictions) (Wales) Order 2003(3) is amended as follows.

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- (1) Section 8(1) of the Animal Health Act 1981 (c. 22) is amended by section 34(2) of the Agriculture Act 2020 (c. 21).
 - (2) 1981 c. 22 (“the 1981 Act”). Functions of “the Ministers” under the 1981 Act (as defined in section 86(1) of that Act) are exercisable by the Welsh Ministers (in relation to Wales) by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044); and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
 - (3) S.I. 2003/399 (W.56); relevant amendments are made by S.I. 2009/2940 (W.257).

(2) After article 5 (declaration of a temporary control area) insert—

“Declaration of an infected area

5A.—(1) If the Welsh Ministers consider that disease exists or has existed in the preceding 56 days on any premises, they may declare an area to be an infected area.

(2) An infected area declared under paragraph (1) must be of such size as the Welsh Ministers consider necessary in order to prevent the spread of disease.

(3) A declaration under paragraph (1) must specify one or more of the following—

- (a) the disease in respect of which the infected area is being declared;
- (b) the species of animals to which the declaration relates;
- (c) the premises within the infected area to which the declaration relates;
- (d) the biosecurity measures which must be taken on premises within the infected area; or
- (e) such other measures that are to apply in the infected area, or in any part of that area, as the Welsh Ministers consider necessary in order to prevent the spread of disease.

(4) No person shall move an animal belonging to a species to which a declaration under paragraph (1) relates, into or out of an area declared to be an infected area under this Order, except under the authority of a licence issued by a veterinary inspector or an inspector under the direction of a veterinary inspector.

(5) No person shall move an animal to or from premises within an area declared to be an infected area under this Order, except under the authority of a licence issued by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

(6) For the purposes of this article, any premises which are partly inside and partly outside an infected area are deemed to be wholly within that area.

(7) Where an animal is transiting an area declared to be an infected area under this Order, the animal must be moved in a vehicle and by the shortest available route without being unloaded.

(8) A declaration made under this Order may be amended, suspended or revoked by the Welsh Ministers at any time.

(9) A declaration made under this Order and any amendment, suspension or revocation of the declaration must be in writing.”

(3) For article 12 (local authority to enforce order) substitute—

“Enforcement

12.—(1) Subject to paragraph (2), the provisions of this Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

(2) The Welsh Ministers may direct, in cases of a particular description or in a particular case, that responsibility for enforcing this Order may be discharged by the Welsh Ministers.”

Amendments to the Bluetongue (Wales) Regulations 2008

4.—(1) The Bluetongue (Wales) Regulations 2008(4) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “animal”, for the words “(and for the purposes” to the end substitute “or a camelid;”;

(4) S.I. 2008/1090 (W.116); relevant amendments are made by S.I. 2012/2403 (W.257).

- (b) after the definition of “animal”, insert—
 - ““carcase” (“*carcas*”) means the carcase of an animal;”;
 - (c) after the definition of “carcase”, insert—
 - ““Chief Veterinary Officer” (“*Prif Swyddog milfeddygol*”) means the Chief Veterinary Officer for Wales;”;
 - (d) after the definition of “control zone” insert—
 - ““germinal product” (“*cynnyrch cenhedlol*”) means the embryo, ovum, or semen of an animal;”;
 - (e) in the definition of “premises” for “place” substitute “any land, building or other place”.
- (3) In regulation 2(2) (interpretation), omit “by notice”.
 - (4) In regulation 7 (premises straddling zones), in paragraph 4(c), for “the restricted zone” substitute “the temporary control zone”.
 - (5) For regulation 9 (suspected or infected premises) substitute—

“Measures at suspected or infected premises

9.—(1) If the presence of bluetongue or bluetongue virus is suspected or confirmed at any premises, a veterinary inspector or inspector acting under the instructions of a veterinary inspector may serve a notice on the occupier or keeper of any animals on those premises, prohibiting the movement of animals or germinal products to or from the premises except in accordance with a licence.

(2) A notice served under paragraph (1) may impose the following requirements on the occupier or keeper—

- (a) to make and maintain daily, an inventory of all animals and germinal products on the premises, recording, for each species—
 - (i) the total number of animals;
 - (ii) the total number and type of germinal products;
 - (iii) the number of animals or germinal products affected or suspected of being affected with bluetongue or bluetongue virus;
 - (iv) the number of animals which die or germinal products which are destroyed;
 - (v) the number and destination of any animals or germinal products which are moved from the premises;
- (b) to keep a record of the inventory for a minimum period of two years from the date on which the notice is served;
- (c) to ensure all animals are kept indoors, or in accordance with the instructions of a veterinary inspector or inspector acting under the instructions of a veterinary inspector;
- (d) to subject animals on the premises to the midge control measures specified in the notice.

(3) A licence granted under paragraph (1) must impose such conditions on the movement of animals or germinal products as a veterinary inspector or inspector acting under the instructions of a veterinary inspector considers necessary to prevent the spread of bluetongue virus.

(4) A veterinary inspector or inspector acting under the instructions of a veterinary inspector may—

- (a) serve a notice under paragraph (1) on the occupier of premises or keeper of animals on those premises if the veterinary inspector or inspector acting under the

- instructions of a veterinary inspector suspects that animals on the premises have been exposed to bluetongue virus;
- (b) include such of the measures in paragraph (2) as are considered necessary to prevent the spread of bluetongue virus.”
- (6) In regulation 10 (temporary control zones)—
- (a) in paragraph (4)—
- (i) after “animal”, insert “or germinal product”;
- (ii) after “veterinary inspector”, insert “or by an inspector or officer of the Welsh Ministers acting under the instructions of a veterinary inspector”;
- (b) omit paragraph (5).
- (7) In regulation 11 (confirmation of bluetongue on premises)—
- (a) the existing text becomes paragraph (1);
- (b) omit paragraph (b) and the “and” before it;
- (c) in paragraph (1) (as renumbered), for “the veterinary inspector” substitute “a veterinary inspector or inspector acting under the instructions of a veterinary inspector”;
- (d) after paragraph (1) (as renumbered), insert—
- “(2) A notice under paragraph (1) may notify the occupier that (notwithstanding regulation 8) it is unnecessary to notify any further suspected cases of bluetongue on the premises to a veterinary inspector.”
- (8) In regulation 12 (measures on confirmation of the bluetongue virus)—
- (a) in paragraph (1)—
- (i) omit “on epidemiological, geographical, ecological or meteorological grounds”;
- (ii) for “must” substitute “may”;
- (b) in paragraph (3)—
- (i) after “animal” insert “or germinal product”;
- (ii) after “zone” insert “except in accordance with a licence issued by a veterinary inspector or by an inspector or officer of the Welsh Ministers acting under the instructions of a veterinary inspector”.
- (9) After regulation 12 (measures on confirmation of the bluetongue virus) insert—

“Power to slaughter animals

12A.—(1) Section 32 of the Animal Health Act 1981 (which relates to slaughter and compensation) applies to bluetongue.”

- (10) In regulation 13 (restrictions in protection and surveillance zones)—
- (a) in paragraph (1)(a), for “must” substitute “may”;
- (b) in paragraph (2)—
- (i) for “, semen, ovum or embryo” substitute “or germinal product”;
- (ii) for “an inspector” substitute “a veterinary inspector or by an inspector or officer of the Welsh Ministers acting under the direction of a veterinary inspector”;
- (c) in paragraph (3)—
- (i) after “animal” insert “or germinal product”;
- (ii) after “protection” insert “or surveillance”;

- (iii) for “an inspector” substitute “a veterinary inspector or by an inspector or officer of the Welsh Ministers acting under the direction of a veterinary inspector”;
 - (d) after paragraph (3), insert—
 - “(3A) A declaration under paragraph (1) may include a prohibition on the movement of animals or germinal products onto or from premises within a zone, except under the authority of a licence granted by a veterinary inspector or by an inspector or officer of the Welsh Ministers acting under the direction of a veterinary inspector.”;
 - (e) omit paragraph (4).
- (11) After regulation 13, insert—

“Measures where bluetongue virus is present but not circulating

13A.—(1) If bluetongue virus is confirmed in an animal or germinal product and if the Chief Veterinary Officer considers—

- (a) that the virus is not circulating; and
- (b) there is a disease control benefit from doing so,

the Welsh Ministers may declare an appropriate area to be a restricted zone.

(2) A restricted zone declared under this regulation must—

- (a) be centred on the location of the animal or germinal product in which bluetongue virus is confirmed; and
- (b) be of such size as is considered necessary by the Chief Veterinary Officer for the prevention of spread of bluetongue virus.

(3) No person may move an animal or germinal product out of a restricted zone declared under this regulation except under the authority of a licence granted by a veterinary inspector or an inspector acting under the direction of a veterinary inspector.

Measures to reduce the risk of incursion or spread of bluetongue virus

13B.—(1) If, after carrying out a risk assessment, the Welsh Ministers consider such action necessary to reduce the risk of incursion of bluetongue virus into any part of Wales or spread of bluetongue virus to animals or germinal products from any source, the Welsh Ministers may—

- (a) declare a bluetongue prevention zone in all or any part of Wales; and
- (b) serve, or require an inspector to serve, a notice on the occupier of premises or keeper of animals at premises where animals or germinal products specified in the notice are kept.

(2) A notice or declaration under paragraph (1) may—

- (a) impose such measures as the Welsh Ministers consider necessary to reduce the risk of incursion of bluetongue virus into any part of Wales or spread of bluetongue virus;
- (b) subject to paragraph (3), restrict the movement of animals or germinal products—
 - (i) within a bluetongue prevention zone; or
 - (ii) from premises within the bluetongue prevention zone to an area which is not in the bluetongue prevention zone.

(3) No person may move animals or germinal products within or from a bluetongue prevention zone except under the authority of a licence granted by a veterinary inspector or by an inspector or officer of the Welsh Ministers acting under the direction of a veterinary inspector.

(4) No person may move animals within or from a bluetongue prevention zone if the animal shows clinical signs of bluetongue on or before the day of transport.”

(12) In regulation 14 (slaughterhouses)—

- (a) in paragraph (1), for “transported out of a restricted zone” substitute “moved in accordance with these Regulations”;
- (b) omit paragraph (3).

(13) After regulation 14, insert—

“Other designated premises

14A.—(1) The Welsh Ministers may designate any premises for the purpose of collecting, processing, handling or storing germinal products.

(2) A designation under this regulation may contain such measures as the Welsh Ministers consider necessary to prevent the spread of bluetongue virus.”

(14) For regulation 15 (subsequent movement of animals) substitute—

“Movement of animals or other things

15.—(1) Following the movement of an animal or germinal product from premises within a temporary control zone, protection zone, surveillance zone, control zone or restricted zone, a veterinary inspector or inspector acting under the direction of a veterinary inspector may by notice served on the occupier of premises to which the animal or germinal product has been moved—

- (a) prohibit the movement of that animal or germinal product off the premises to which the animal or germinal product has been moved;
- (b) prohibit the movement of any other animal or germinal product on to or off such premises;
- (c) specify such requirements as are considered by a veterinary inspector to be necessary in order to prevent the spread of disease.

(2) A movement prohibited by a notice under paragraph (1) may be authorised under a licence issued by a veterinary inspector or by an inspector or officer of the Welsh Ministers acting under the direction of a veterinary inspector.”

(15) In regulation 19 (use of vaccines)—

- (a) in paragraph (1) after “of”, omit “inactivated or live attenuated”;
- (b) in paragraph (2) after “their animals”, omit “with inactivated or live attenuated”;
- (c) in paragraph (3)—
 - (i) after “veterinary inspector” insert “or by an inspector or officer of the Welsh Ministers acting under the direction of a veterinary inspector”;
 - (ii) after “vaccination”, omit “with inactivated or live attenuated”.

(16) In regulation 20 (powers of veterinary inspectors, officers and inspectors), in paragraph (5) (a), for “isolate of” substitute “isolate or”.

Amendments to the Bluetongue (Wales) (Compensation) Order 2007

5.—(1) The Bluetongue (Wales) (Compensation) Order 2007(5) is amended as follows.

(2) In article 2 (compensation)—

- (a) in paragraph (1), omit “as applied to bluetongue by article 13 of the Bluetongue Order 2003”;
- (b) in paragraph (3), after “ruminating animal” insert “or camelid”.

Revocations

- 6. The Bluetongue (No. 2) (Wales) Order 2007⁽⁶⁾ is revoked, so far as not previously revoked.

19 September 2024

Huw Irranca-Davies
Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs, one of the
Welsh Ministers

⁽⁶⁾ S.I. 2007/3309 (W. 294), as amended by S.I. 2008/1090 (W. 116).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in relation to Wales only.

Article 2 extends the definition of “disease” in the Animal Health Act 1981 to include bluetongue, transmissible spongiform encephalopathy, African swine fever and epizootic haemorrhagic disease.

Article 3 amends the Movement of Animals (Restrictions) (Wales) Order 2003 ([S.I. 2003/399 \(W.56\)](#)) to reinsert a provision allowing the Welsh Ministers to declare an area to be an infected area. It provides for the Order to be enforced by the local authority except where otherwise stated or where the Welsh Ministers direct that the Order is to be enforced by the Welsh Ministers in relation to cases of a particular description or particular cases.

Article 4 amends the Bluetongue (Wales) Regulations 2008 ([S.I. 2008/1090 \(W.116\)](#)) to add and clarify certain definitions; to permit amendment, suspension or revocation of authorisations, licences, notices or designations under these Regulations without notice; to provide for premises which straddle a restricted zone and a temporary control zone to be treated as being entirely within a temporary control zone; to extend the prohibition on the movement of animals in a control zone to include prohibiting the movement of germinal products in that zone except in accordance with a licence; to establish further disease control measures in the event of suspicion or confirmation of bluetongue, including power for a veterinary inspector to serve a notice prohibiting the movement of animals or germinal products onto or from premises where bluetongue is suspected or confirmed, except in accordance with a licence (which may be subject to conditions); to provide a power to declare a restricted zone where bluetongue is confirmed but not circulating; to provide a power to declare a bluetongue prevention zone as a precautionary measure where necessary to reduce the risk of an incursion of bluetongue virus into any part of Wales, and to provide a power to designate premises for the purpose of collecting, processing, handling or storing germinal products.

Article 5 amends the Bluetongue (Wales) (Compensation) Order 2007 ([S.I. 2007/3010 \(W.261\)](#)) by removing a reference to a provision which is revoked.

Article 6 revokes the Bluetongue (No. 2) (Wales) Order 2007 ([S.I. 2007/3309 \(W. 294\)](#)) so far as not previously revoked by the Bluetongue (Wales) Regulations 2008 ([S.I. 2008/1090 \(W.116\)](#)), its sole remaining provision being consolidated into those Regulations by article 4 of this Order.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.