2002 No. 242

ANIMALS, ENGLAND

ANIMAL HEALTH

The Disease Control (Interim Measures) (England) Order 2002

Made - - - - -	*7th February 2002*
Coming into force - -	*11th February 2002*

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on her under sections 1, 7, 8(1), 83(2) and 87(2) of the Animal Health Act 1981(**a**) and of all other powers enabling her in that behalf, makes the following Order:

Title, application, commencement and cessation

1. This Order may be cited as the Disease Control (Interim Measures) (England) Order 2002; it applies to England, shall come into force on 11th February 2002 and shall cease to have effect on 1st December 2002.

Interpretation

2. In this Order—

"the Act" means the Animal Health Act 1981;

"camelid" means an animal of a species which is a member of the *camelidae* family;

"Cattle Identification Regulations" means the Cattle Identification Regulations 1998(**b**);

"cattle passport" has the meaning it is given in the Cattle Identification Regulations save that it shall not include a calf passport as defined in those Regulations;

"collecting centre" means premises used for the intermediate reception of animals intended to be moved elsewhere but not including any place used, whether as a market or otherwise for the trading of animals;

"controlled area order" means any declaratory order made under article 30 of the Foot-and-Mouth Disease Order 1983(**c**);

"CPH number" means the county parish holding number assigned from time to time to any premises or part of any premises by the Department for Environment, Food, and Rural Affairs;

(**a**) 1981 c. 22. *See* section 86(1) for the definitions of "the Ministers" and "the Minister". Functions of "the Ministers", so far as exercisable by the Secretaries of State for Scotland and Wales, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).

(**b**) S.I. 1998/871, as amended by S.I. 1998/1796, S.I. 1998/2969 and S.I. 1999/1339.

(**c**) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and further amended, as regards England, by S.I. 2001/571, S.I. 2001/680, S.I. 2001/974, S.I. 2001/1078, S.I. 2001/1407, S.I. 2001/1514, S.I. 2001/1862, S.I. 2001/2238, S.I. 2001/2735, S.I. 2001/2814, S.I. 2001/2994, S.I. 2001/3140, S.I. 2001/3722 and S.I. 2001/4029.

"hunting" means the use of hounds, beagles or other dogs for the purpose of hunting or coursing any deer, fox, mink or rabbit or for hunting any drag or other trail;

"keeper" means any person having care and control of animals even on a temporary basis but, except for the purposes of article 8(7)(a) below, not including any person who is only a keeper because he is transporting the animals;

"land" includes common or unenclosed land;

"management unit" means a group of animals which are kept and managed together;

"Minister" means the Minister of Agriculture, Fisheries and Food;

"premises" includes land, with or without buildings;

"registered right of common" means a right of common registered under the Commons Registration Act 1965(**a**) or a right of common which is exempt from such registration but which is registered, designated, attached, or otherwise recognised, continued or preserved under and in accordance with any of the New Forest Acts 1854, 1949, 1964 and 1970(**b**), the Epping Forest Acts 1878 and 1880(**c**) or the City of London (Various Powers) Act 1977(**d**) or any like right or permission exercised in the Forest of Dean;

"Scottish Ministers" has the meaning it is given in section 44 of the Scotland Act 1998(**e**);

"slaughterhouse" has the meaning it is given in the Fresh Meat (Hygiene and Inspection) Regulations 1995(**f**);

"sole occupancy group" means any group of premises in relation to which an authority has been issued by the Minister permitting movements between each of the premises in the group; and

"tack land" means land on to which animals belonging to another have been taken to be fed or pastured for reward by an agister.

Restrictions on the movement of animals

3.—(1) Subject to the following provisions of this article, it shall not be lawful to move an animal from any premises (in this article referred to as the "premises of origin") unless the following requirements are met—

(a) the movement is made under the authority of a licence issued by the Minister or an inspector and in accordance with the conditions thereof; and

(b) no animal has been moved on to the premises of origin (or other premises in the same sole occupancy group) during the period of 20 days before the day on which the first mentioned animal is to be moved (such period being referred to in this article as "the standstill period").

(2) The requirement contained in paragraph (1)(b) above shall not apply—

(a) if the premises of origin are a market, collecting centre, artificial insemination centre, exhibition, or place for veterinary treatment;

(b) if the movement is—

(i) of a pig as referred to in article 8(3)(b) of the Pigs (Records, Identification and Movement) Order 1995(**g**) or to a market for pigs intended for immediate slaughter;

(ii) of an animal direct to a slaughterhouse, or to a collecting centre for animals intended for immediate slaughter;

(iii) of a calf less than 30 days old (for which a cattle passport has been issued and to which ear tags have been applied in accordance with article 3(3) of the Cattle Identification Regulations) from premises of origin which are either the premises on which the calf was born or other premises in the same sole occupancy group, save that this exemption shall not apply if any animal has been moved during the standstill period directly from a market onto the premises of origin or other premises in the same sole occupancy group;

(**a**) 1965 c. 64.
(**b**) 1854 c. 49 (17 & 18 Vict.), 1949 c. 69 (12, 13 & 14 Geo. 6), 1964 c. 83 and 1970 c. 21.
(**c**) 1878 c. CCXIII (41 & 42 Vict.) and 1880 c. CXXX (43 & 44 Vict.).
(**d**) 1977 c. CXV.
(**e**) 1998 c. 46.
(**f**) S.I. 1995/539, as last amended by S.I. 2002/118.
(**g**) S.I. 1995/11, as amended by S.I. 1995/2922 and, as regards England, by the Pigs (Records, Identification and Movement) (Interim Measures) (England) Order, 2002 (S.I. 2002/).

(iv) of a lamb less than 7 days old from premises of origin which are either the premises on which it was born or other premises in the same sole occupancy group to any other premises not more than 10 kilometres by road from the premises of origin, where this is for the purpose of fostering that lamb;

(v) the return from tack land of a sheep to the premises from which it was originally moved or to other premises in the same sole occupancy group provided that the tack land was managed separately from and had a different CPH number to the remainder of any premises of which it was a part at all times during the period the sheep was there;

(vi) of an animal between premises in a sole occupancy group in accordance with an authority issued by the Minister;

(vii) of an animal from a show provided that before that animal was moved to the show it was isolated for the preceding 20 days from all other animals on the premises where it was and that it is again so isolated for a further 20 days on its return;

(viii) of cattle from premises of origin in circumstances where the only movement of animals on those premises has been of a calf less than 30 days old which has been brought from the premises on which that calf was born or from other premises in the same sole occupancy group and where—

(aa) the premises of origin are authorised to be used as a specialist calf rearing unit by a notice issued by a veterinary inspector or the Minister; and

(bb) the cattle to be moved have been issued with cattle passports and tagged in accordance with the Cattle Identification Regulations;

(ix) of an animal for direct export or to a collecting centre or assembly centre approved under regulation 12(2) of the Animal and Animal Products (Import and Export)(England and Wales) Regulations 2000(**a**) prior to such export;

(x) of an animal which has been imported into the United Kingdom direct to any premises from its point of entry into the United Kingdom;

(xi) of an animal between land over which the owner or keeper of the animal has a registered right of common and premises occupied by the owner or keeper in relation to which the registered right of common is customarily exercised;

(xii) of a camelid being taken on a trekking expedition;

(xiii) of pigs or cattle to an artificial insemination centre or place for veterinary treatment;

(xiv) of a bull for breeding purposes; or

(c) if a permit disapplying the standstill period has been issued by a veterinary inspector in relation to the movement.

(3) For the purposes of paragraph (1)(b) above no account shall be taken of the movement on to the premises of origin or other premises in the same sole occupancy group of—

(a) a pig—

(i) which is being returned to those premises from a place to which it had been moved for breeding, an artificial insemination centre or a place to which it had been moved for veterinary treatment provided it is isolated for 20 days after the date of its return from all other animals; or

(ii) where that movement is as referred to in article 8(3)(b) of the Pigs (Records, Identification and Movement) Order 1995;

(b) an animal which is being returned to those premises from an exhibition or show provided that that animal is isolated for 20 days after the date of its return from all other animals on the premises of origin and the attendance of the animal at that exhibition or show has been notified to the local authority;

(c) a bull for breeding purposes, provided that the bull and all other animals at the premises from which it was brought which are in the same management unit were inspected at those premises immediately prior to the movement to the premises of origin by a veterinary inspector who has issued a written declaration to the effect

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(**a**) S.I. 2000/1673, as amended by S.I. 2000/2266, S.I. 2000/2524, S.I. 2000/2900 and S.I. 2000/3128.

that neither the bull nor any of the other animals showed any signs of foot-and-mouth disease when they were so inspected;

(d) a camelid brought from premises where no animals other than camelids have been present at any time during the 20 days preceding the movement of the camelid onto the premises of origin;

(e) a sheep which is being returned to those premises from tack land provided the tack land has been managed separately from and had a different CPH number to the remainder of any premises of which it is a part during the period the sheep was there;

(f) a calf less than 30 days old from the premises on which it was born or other premises in the same sole occupancy group, provided that the premises of origin are authorised to be used as a specialised calf rearing unit by a notice issued by a veterinary inspector or the Minister;

(g) an animal from either—

(i) its point of entry into the United Kingdom following its import from another Member State; or

(ii) the premises to which it has been moved from its point of entry into the United Kingdom;

(h) an animal which is brought on to those premises in a vehicle provided that—

(i) the animal is not unloaded from that vehicle at those premises, and

(ii) such movement is carried out in accordance with the conditions of a licence issued under paragraph (1)(a) above;

(i) the return of a camelid on to the premises of origin from a trekking expedition;

(j) a lamb less than 7 days old in the circumstances described in paragraph (2)(b)(iv) above; or

(k) cattle from an artificial insemination centre or place for veterinary treatment.

(4) The requirement set out in paragraph (1)(a) above shall not apply in the case of any movement which is authorised under a licence issued under article 12 of the Pigs (Records, Identification and Movement) Order 1995.

(5) Where any animal is required to be isolated for any purpose under this article this shall mean isolated in isolation facilities approved by a veterinary inspector.

(6) Where the movement of an animal is authorised on or immediately before the coming into force of this Order by a licence issued under article 31 of the Foot-and-Mouth Disease Order 1983 or such movement would be so authorised but for the revocation of any controlled area order, that licence shall have effect under this Order as if it were a licence issued under paragraph (1)(a) above and its provisions shall apply to the aforesaid movement in place of those of any general licence issued under paragraph (1)(a) above unless it is revoked pursuant to article 8 below or otherwise ceases to have effect.

(7) Where a licence has been issued or granted by the Minister, an Inspector or the Scottish Ministers under an order made under section 8 of the Act to authorise the movement of any animal from premises situated in Wales or in Scotland to premises situated in England or to premises situated in Scotland or Wales through any part of England, such provisions of that licence as are relevant shall apply in relation to that part of the movement which takes place in England as if that licence were a licence issued under paragraph (1)(a) above and the provisions of this Order shall apply accordingly.

(8) Where a licence such as is referred to in either paragraphs (6) or (7) above authorises movements of any kind between premises under the same management or control or would authorise any such movement but for the revocation of any controlled area order then, without prejudice to the provisions of paragraphs (6) and (7) above in relation to that licence, it shall have effect as if it were also an authority issued for the purposes of making the premises a sole occupancy group under this Order and the provisions of this Order shall apply in respect of it accordingly.

(9) An authority issued under article 8(2)(a)(i) of the Pigs (Records, Identification and Movement) Order 1995 and remaining in force immediately before the coming into force of this Order shall continue to have effect as if it were an authority issued under paragraph (2)(b)(vi) above.

Restrictions on movements to slaughterhouses

4. No person shall—

(a) move any animal to a slaughterhouse save for the purpose of slaughter within 48 hours of its arrival there; or

(b) receive any animal from a slaughterhouse unless, in the case of any animal other than a pig, under the authority of a licence issued by a veterinary inspector.

Shearing or dipping of sheep

5.—(1) Subject to the following provisions of this article, no person shall—

(a) shear or dip sheep or cause sheep to be sheared or dipped; or

(b) handle fleeces or sheep during shearing or dipping,

except in accordance with the conditions of a licence issued by the Minister.

(2) Paragraph (1) above shall not apply to the occupier of any premises or his employee (other than a person employed by him primarily for the purpose of shearing or dipping sheep) in respect of the shearing or dipping of sheep kept on those premises.

(3) A licence issued under article 37C(1) of the Foot-and-Mouth Disease Order 1983 in force immediately before the coming into force of this Order shall continue to have effect as if it were a licence issued under paragraph (1) above.

(4) For the purposes of this article—

(a) "shearing" includes clipping and dagging; and

(b) "dipping" includes showering and jetting sheep with a sheep dip.

Ultrasound scanning of sheep

6.—(1) Subject to paragraph (2) below, no person shall carry out or cause to be carried out ultrasound scanning of sheep except in accordance with the conditions of a licence issued by the Minister.

(2) Paragraph (1) above shall not apply to the occupier of any premises or his employee (other than a person employed by him primarily for the purposes of carrying out ultrasound scanning of sheep) in respect of the carrying out of ultrasound scanning of sheep kept on those premises using ultrasound scanning equipment kept or owned by the occupier.

(3) A licence issued under article 37CC(1) of the Foot-and-Mouth Disease Order 1983 in force immediately before the coming into force of this Order shall continue to have effect as if it were a licence issued under paragraph (1) above.

Hunting

7.—(1) Subject to the following provisions of this article, no person may take part in hunting.

(2) Nothing in paragraph (1) above shall make it unlawful for—

(a) the occupier of any land or any group of not more than three persons who are authorised by the occupier or are members of his household to use any dog in connection with the killing on that land of any fox, hare, mink, or rabbit found thereon provided that this shall not be taken to authorise the pursuit of any such quarry using dogs outside the boundaries of that land; or

(b) a person to take part in hunting under the authority of a permit granted by a veterinary inspector and subject to any conditions that may be specified therein.

(3) In deciding whether to issue a permit under paragraph (2)(b) above a veterinary inspector shall comply with any instructions which may have been issued by the Minister in relation to the issue of such permits.

(4) A permit issued under article 36(2)(d) of the Foot-and-Mouth Disease Order 1983 and in force immediately before the coming into force of this Order shall continue to have effect as if it were a permit issued under paragraph (2)(b) above.

(5) Subject to paragraph (6) below, where a permit is issued under paragraph (2)(b) above as a general permit a veterinary inspector may by notice prohibit any person from taking part in or organising hunting under the authority of that permit.

(6) A veterinary inspector may only issue a notice under paragraph (5) above if he is of the opinion that—

(a) the provisions of the Order or of the aforesaid general permit are or have not been complied with by the person on whom the notice is served or by persons taking part in any hunt which he has organised; and

(b) the service of such a notice is necessary to prevent a possible spread of disease.

Licences, authorisations, permits and notices

8.—(1) Any licence, authority, permit or notice issued or served under this Order shall be in writing, may be general or specific, shall be subject to such conditions as are specified in it and may be varied, suspended or revoked at any time by notice in writing issued—

(a) by the Minister, in the case of a licence, authority, permit or notice issued by the Minister or an inspector of any kind;

(b) by a veterinary inspector, in the case of a licence, authority, permit or notice issued by a veterinary inspector or any other inspector of the Minister;

(c) by an inspector of the Minister (other than a veterinary inspector), in the case of a licence, authority or notice issued by any such inspector; or

(d) by an inspector of a local authority, in the case of a licence, authority or notice issued by an inspector of that local authority.

(2) A notice issued under paragraph (1) above shall—

(a) be served, if the licence, authority, permit or notice to be varied, suspended or revoked is specific, on the person to or on whom that licence, authority, permit or notice was issued or served; or

(b) be served or published, if the licence, authority, permit or notice to be varied, suspended or revoked is general, in such manner as the Minister or, as the case may be, the veterinary inspector or other inspector may reasonably consider most appropriate.

(3) In deciding whether to issue a licence under article 3(1)(a) above, a notice under article 3(2)(b)(viii) or 3(3)(f) above or a permit under article 3(2)(c) or 7(2)(b) above, an inspector, or as the case may be, a veterinary inspector, shall comply with any instructions which may have been issued by the Minister in relation to any such licences, authorities, notices or permits.

(4) A licence issued under article 3(1)(a) above, an authority issued for the purpose of making two or more premises a sole occupancy group under article 3(2)(b)(vi) above, a notice under article 3(2)(b)(viii) or 3(3)(f) or a permit issued under article 3(2)(c) above may specify requirements for the cleansing and disinfection of any vehicle used for moving animals additional to the requirements in relation thereto set out in the Transport of Animals (Cleansing and Disinfection) (England) (No. 2) Order 2000(**a**) and the person responsible for moving the animals shall ensure, except where the licence, authority, notice or permit provides otherwise, that all such requirements are met as soon as possible after the animals have been unloaded and, in any case, before the vehicle is moved from the premises to which the animals have been moved.

(5) Subject to paragraph (7) below, where a general licence has been issued under article 3(1)(a) above, the Minister may issue a notice prohibiting—

(a) the movement under the authority of that licence of any animal from any premises specified in the notice; or

(b) any person from moving animals under the authority of that licence either generally or to or from any premises specified in the notice.

(6) Subject to paragraph (7) below, where an inspector considers that the provisions of a licence under this Order are being contravened he may serve a notice on the person to whom the licence under this Order applies, requiring that person to take any action necessary to ensure compliance with the licence and giving reasons for those requirements.

(7) No notice may be issued under paragraphs (5) and (6) above other than on the advice of an inspector who shall be of the opinion that—

(**a**) S.I. 2000/1618.

(a) the provisions of this Order or of the aforesaid general licence are not or have not been complied with in relation to animals moved to or from the premises in question or in relation to the movement of any other animals of which the person on whom the notice is to be served is or has at any time been the keeper; and

(b) the service of a notice is necessary to prevent a possible spread of disease.

(8) A notice issued under paragraph (5)(a) above shall be served on the occupiers of each of the premises specified in the notice and a notice issued under paragraph (5)(b) above shall be served on the person prohibited from moving animals thereunder and on the occupiers of any premises individually named on the notice.

Change of occupation of premises affected by the provisions of this Order

9.—(1) Where, on the termination of his right of occupation of any premises, the owner of any animal on those premises is unable to remove it therefrom by reason of any restriction imposed by or under the foregoing provisions of this Order, the person entitled to the occupation of those premises on such termination shall—

(a) afford the owner of that animal and any person authorised by him for the purpose, all such facilities as may be necessary for feeding, tending or otherwise using that animal (including selling it) as the owner may reasonably require; or

(b) where the owner of that animal is unable or unwilling to avail himself of such facilities, take all such steps as may be necessary to ensure that the animal is properly fed, tended and kept.

(2) The provisions of paragraph (1) above shall continue to apply until the expiration of a period of 7 days from the date on which any restriction on the movement of the animal off the premises ceases to apply and the owner of the animal shall be liable to pay to the person who affords any facilities or feeds, tends or otherwise keeps that animal, in accordance with those provisions, such sums by way of remuneration and reimbursement of expenses as may be just and reasonable in all the circumstances.

General provisions as to licences

10.—(1) Subject to paragraph (4) below, every animal which is moved under the authority of a licence granted under this Order shall—

(a) be kept separate throughout such movement from any animal which is not being moved under the authority of that licence;

(b) be moved by the most direct route available to the place of destination specified in the licence only, and to no other place, and

(c) be accompanied throughout the movement by the licence.

(2) The person in charge of any animal to which a licence issued under this Order relates shall, on demand made under this Order by a constable or by an inspector or other officer of the Minister or of a local authority, produce the licence, and allow a copy thereof or an extract therefrom to be taken, and shall also, if so required, furnish his name and address.

(3) Subject to paragraph (4) below and the provisions of any licence issued under this Order imposing a contrary requirement on the person moving the animals, the occupier of premises to which animals are moved under that licence shall—

(a) ensure that he or his representative is given the licence under which they have been moved before allowing the animals to be unloaded from the vehicle on which they have been transported;

(b) forward that licence without delay to the local authority responsible for the area in which those premises are situated and, in the case of a slaughterhouse, provide a copy to the official veterinary surgeon appointed for those premises;

(c) retain a copy of that licence for a period of 6 months and produce it upon request for inspection by an inspector; and

(d) provide adequate facilities, equipment and materials for any cleansing and disinfection required by a licence under this Order.

(4) The provisions of paragraphs (1)(b) and (c), (2) (insofar as it relates to the production and copying of a licence) and (3)(a) to (c) above shall not apply in any case where animals are moved under a general licence.

(5) Where an inspector of a local authority issues a licence under article 3(1)(a) above, he shall retain a copy of the licence for six months.

Powers of officers of the Minister and inspectors of local authorities in case of default

11.—(1) If any person to whom a licence under this Order applies fails to comply with the requirements of that licence or any notice made thereunder, an officer of the Minister or an inspector of a local authority may, without prejudice to any proceedings for an offence arising out of such default, take all steps as may be necessary to ensure that the requirements of the licence or notice are complied with and in default of such compliance the officer or inspector will cause them to be carried out.

(2) The amount of any expenses reasonably incurred by an officer of the Minister or by an inspector of a local authority in the exercise of any power conferred by paragraph (1) above shall be recoverable on demand as a civil debt by the Minister or by the local authority, as the case may be, from the person in default.

Offences

12. It shall be an offence under the Act for any person without legal authority or excuse, proof of which shall lie on him, to—

(a) contravene any provision of this Order or any provision of a licence, authority, permit or notice issued or served under it; or

(b) cause or permit any such contravention or non compliance.

Local authority to enforce Order

13.—(1) Subject to paragraph (2) below the provisions of this Order shall be executed and enforced by the local authority.

(2) The Minister may direct, in relation to cases of a particular description, or in relation to a particular case, either that this Order shall be executed and enforced by her and not by the local authority or that this Order shall be executed and enforced jointly by her and by the local authority.

Extension of definition of "animals"

14. For the purposes of the Act in its application to this Order, the definition of "animals" in section 87(2) is extended so as to comprise elephants.

Signed

Whitty
Parliamentary Under Secretary of State,
Department for Environment, Food and Rural Affairs

7 February 2002

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies to England only, provides for temporary disease control measures.

The Order provides for movement restrictions on animals (articles 3 and 4). In particular, it provides that it shall be unlawful to move any animal unless under the authority of a licence issued by the Minister (article 3(1)(a)) and imposes a 20 day standstill period following the movement of animals on to premises, subject to exemptions for various specified movements (article 3(2) and(3)).

The Order also provides for:

(a) animals arriving at slaughterhouses to be slaughtered within 48 hours of arrival (article 4);

(b) a licence regime for sheep shearing and dipping (article 5);

(c) a licence regime for the ultrasound scanning of sheep (article 6);

(d) a permit system for hunting (article 7);

(e) the administrative arrangements in relation to this Order (article 8);

(f) arrangements on change of occupation of premises (article 9);

(g) general provisions in relation to licences (article 10);

(h) powers of the Minister and local authority inspectors (article 11);

(i) offences under the Order (article 12); and

(j) enforcement of the Order (article 13).

In addition, the definition of "animals" in the Animal Health Act 1981 is extended for the purposes of the application of that Act to this Order so as to cover elephants (article 14).

A regulatory impact assessment has not been prepared for this Order.

STATUTORY INSTRUMENTS

2002 No. 242

ANIMALS, ENGLAND

ANIMAL HEALTH

The Disease Control (Interim Measures) (England) Order 2002

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