STATUTORY INSTRUMENTS

1975 No. 889

ANIMALS

DISEASES OF ANIMALS

The Dourine Order 1975

Made - - - -	*20th May* 1975
Coming into Operation	*10th June* 1975

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of powers conferred by sections 1(1), 8(3), 10(1), 11, 20, 84(1) and 84(3)(*a*) of the Diseases of Animals Act 1950**(a)** (as extended by the Diseases of Animals (Extension of Definitions) Order 1952**(b)**), and now vested in them **(c)**, and all other powers enabling them in that behalf, hereby order as follows:—

Citation, extent and commencement

1. This order, which may be cited as the Dourine Order 1975, applies throughout Great Britain and shall come into operation on 10th June 1975.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

"the Act" means the Diseases of Animals Act 1950;

"horse" means a horse, ass, mule (which includes hinny) or zebra;

"infected place" has the meaning assigned to it in article 5(2) of this order;

"inspector" means a person appointed to be an inspector for the purposes of the Diseases of Animals Act 1950 by the Minister or by a local authority, and, when used in relation to an officer of the Ministry, includes a veterinary inspector;

"Minister" means the Minister of Agriculture, Fisheries and Food and "Ministry" shall be construed accordingly;

"veterinary inspector" means a veterinary inspector appointed by the Minister;

"veterinary surgeon" means a person entered in a register maintained under the provisions of the Veterinary Surgeons Act 1966**(d)** and includes a veterinary practitioner.

(2) Other expressions used in this order have, in so far as the context admits, the same meanings as in the Act.

(3) References in this order to Forms A, B, C and D shall be construed as references to the forms respectively so headed in the schedule to this order, or to forms substantially to the like effect.

(a) 1950 c. 36. **(b)** S.I. 1952/1236 (1952 I, p. 128).
(c) By the Transfer of functions (Animal Health) Order 1955 (S.I. 1955/958 (1955 I, p. 1184)). **(d)** 1966 c. 36.

(4) The Interpretation Act 1889**(a)** applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Extension of definitions

3. For the purposes of the Act and of this order—

(*a*) the definition of the expression "animals" contained in section 84(1) of the Act (as extended to specified equine animals by the Diseases of Animals (Extension of Definitions) Order 1952) shall continue to be extended so as to comprise zebras; and

(*b*) the definition of the expression "disease" in section 84(3)(*a*) of the Act shall be extended to include dourine.

Notification of dourine

4.—(1) Every person having in his possession or under his charge any horse or the carcase of any horse which is affected or suspected of being affected with dourine shall, with all practicable speed, give notice of the fact to a constable of the police force for the area wherein the horse or carcase is, or to the veterinary inspector appointed for the time being by the Minister to receive such information within the area wherein the horse or carcase is.

(2) A veterinary surgeon who examines any horse or the carcase of any horse and suspects that the horse or carcase is affected with dourine shall, with all practicable speed, give notice of the fact to a constable of the police force for the area wherein the horse or carcase is, or to the veterinary inspector appointed as aforesaid to receive such information within the area wherein the horse or carcase is.

(3) A constable receiving any such notice shall immediately transmit the information by the most expeditious means to:—

(*a*) the veterinary inspector appointed as aforesaid to receive such information within the area wherein the horse or carcase is; and

(*b*) an inspector of the local authority, who shall forthwith report the fact to the local authority.

Declaration of infected place

5.—(1) An inspector on receiving information under the preceding article of the existence or suspected existence of dourine on any premises or having through any other cause reasonable ground for suspecting that dourine exists or has within the preceding 56 days existed on any premises, shall serve a notice in Form A on the occupier of the said premises.

(2) On service of such a notice the premises within the limits specified by the notice shall become an infected place and such place shall be subject to the Rules contained in article 6 of this order.

(3) The restrictions imposed by such a notice shall continue in force until the said notice is cancelled by a notice in Form B served by an inspector on the occupier of the infected place in pursuance of article 7(3) or article 7(7) of this order.

Rules to be observed in relation to infected places

6. Any premises declared to be an infected place under article 5 of this order

(a) 1889 c. 63.

and any persons from time to time being thereon shall be subject to the following Rules, namely:—

Rule 1—Any horse which is affected with or suspected of being affected with dourine shall be kept separate from horses not so affected, in an enclosure as directed by a veterinary inspector.

Rule 2—No horse or carcase of a horse shall be moved into or out of an infected place except with a licence granted by a veterinary inspector and in accordance with such conditions as may be specified therein.

Rule 3—No horse in an infected place shall be allowed by the occupier or person in charge of the infected place to stray therefrom.

Rule 4—No manure or litter of horses shall be removed out of an infected place except with a licence granted by an inspector, or by any other officer of the Ministry or of the Secretary of State, and in accordance with such conditions as may be specified therein.

Rule 5—No equipment, instrument or any other thing used for or about horses shall be removed out of an infected place except with a licence granted by an inspector, or by any other officer of the Ministry or of the Secretary of State, and in accordance with such conditions as may be specified therein.

Rule 6—Notice of the death, or slaughter by or on behalf of the owner, of any horse in an infected place shall be given by the occupier or person in charge thereof with all practicable speed to a constable of the police force for the area wherein the carcase is or to the veterinary inspector appointed for the time being by the Minister to receive such information within the area wherein the carcase is. A constable receiving any such notice shall forthwith transmit the information to the veterinary inspector appointed as aforesaid.

Veterinary inquiry as to the existence of dourine

7.—(1) Where by reason of information received under articles 4 or 5 of this order or otherwise there are grounds for suspecting that dourine exists or has within 56 days existed on any premises, a veterinary inspector shall with all practicable speed inquire as to the correctness of such information and examine any horse and any carcases of horses on such premises.

(2) For the purposes of this article the veterinary inspector may enter on any part of the premises, and the occupier of the premises and the persons in his employment shall render such reasonable assistance to the inspector as may be required for the purposes of this article.

(3) If the veterinary inspector is satisfied at the time of his examination that the horse or carcase is not affected with dourine and that dourine does not exist or has not within the preceding 56 days existed on the premises, he shall forthwith cause the service of a notice in Form B cancelling the notice Form A served under article 5(1) of this order.

(4) If the veterinary inspector is not so satisfied he shall forthwith for the purpose of further investigation take such samples from the horse or carcase as may be necessary for diagnostic purposes, and shall forthwith forward them to a veterinary laboratory of the Ministry, together with a report of his examination of the horse or carcase. The Chief Veterinary Officer of the Ministry shall cause an examination thereof to be made and a certificate of the result of such examination prepared and signed.

(5) The occupier of any premises on which there is or has been a horse affected with or suspected of being affected with dourine or the carcase of any such horse,

and the veterinary surgeon, if any, who has been attending or been consulted respecting the said horse or carcase, and any person who has been in charge of the horse or carcase shall give all reasonable facilities for an inquiry under this article and for the taking of such samples as may be required for the purpose of diagnosis and generally for the due execution and enforcement of the provisions of this order by the Minister, the Secretary of State and the local authority.

(6) Any such occupier, veterinary surgeon or person as aforesaid shall, if so required by the Minister, the Secretary of State or the local authority, give such information as he possesses as to the horse or carcase, or as to the location and movements of any other horse in his possession or charge.

(7) If the Chief Veterinary Officer of the Ministry is satisfied that dourine does not exist or has not within the preceding 56 days existed on the premises, an inpector shall issue a notice in Form B cancelling the notice Form A served under article 5(1) of this order.

Restrictions as respects horses exposed to infection

8.—(1) An inspector who as respects any premises is satisfied that there is thereon any horse which is, or within the preceding 56 days has been, exposed to the risk of infection of dourine may serve a notice in Form C on the occupier of any such premises as are defined in the notice.

(2) On the service of such a notice and until the operation of the notice terminates or the notice is cancelled by a further notice in Form D signed by an inspector—

(*a*) no horse shall be moved into or out of the said premises except with a licence granted by an inspector of the Ministry and in accordance with such conditions as may be specified therein;

(*b*) no horse in the said premises shall be allowed by the occupier or person in charge of the premises to stray therefrom.

Cleansing and disinfection

9.—(1) An inspector of the Ministry may serve a notice on the occupier of any place which has been used for a horse or carcase of a horse affected with or suspected of being affected with dourine, requiring the said occupier at his own expense to cleanse and disinfect any equipment, instrument or other thing used for or about such a horse or carcase, or to disinfect or bury or burn or otherwise destroy or dispose of any manure or litter of such a horse or carcase, and the said occupier shall forthwith carry out such cleansing, disinfection, or destruction or disposal to the satisfaction of the inspector, and using a disinfectant specified in the said notice.

(2) If a notice as aforesaid is not complied with the Minister or the Secretary of State may do the work required by the notice, or such part of it as remains undone, and may on demand recover the cost of so doing from the occupier as aforesaid as a civil debt.

(3) Nothing done by the Minister or the Secretary of State under the preceding paragraph shall prejudice any proceedings against a person for failure to comply with the notice.

Powers to prohibit or control movement

10. If an inspector of the Ministry has reasonable grounds for believing that

the movement of any horse from any place may be attended with a risk of spread of dourine he may, for the purpose of preventing the spread of the disease, prohibit the movement of any horse from any place or impose any condition on such movement by service of a notice in writing to that effect on the owner or occupier of the place as aforesaid or on the owner or person in charge of the horse.

Enforcement by local authority

11. The provisions of this order, except where it is otherwise provided, shall be executed and enforced by the local authority.

Offences

12. Failure to comply with any condition or requirement of a licence or of any notice issued under the provisions of this order shall be an offence against the Act.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 16th May 1975.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

William Ross,
Secretary of State for Scotland.

20th May 1975.

SCHEDULE—FORMS

FORM A

Diseases of Animals Act 1950

The Dourine Order 1975

(Articles 5 and 6)

NOTICE DEFINING INFECTED PLACE

To .....

of .....

.....

I, the undersigned, being an inspector of the Ministry of Agriculture, Fisheries and Food (or an inspector of the local authority for the..... of.....), hereby give you notice as the occupier of the undermentioned premises that in accordance with the provisions of the above-mentioned order, the undermentioned premises are hereby declared to be an infected place for the purposes of the said order, *and that the premises accordingly become subject to the Rules specified in this notice which are printed on the back hereof. Any person infringing these Rules is liable to heavy penalties.*

This notice remains in force until it is cancelled by a subsequent notice served by an inspector of the Ministry or of the local authority on the occupier of the infected place.

Description of infected place, stating parish where applicable, and district

PREMISES	PARISH	DISTRICT

Dated .....19...

(Signed) .....

Official address .....

.....

Note.—The inspector is with all practicable speed to send copies of this notice to the veterinary inspector appointed for the time being by the Minister within the area, to the local authority, to the police officer in charge of the nearest police station of the police force for the area and, if the premises are in England or Wales, to the Secretary, Ministry of Agriculture, Fisheries and Food, Government Buildings, Block B, Hook Rise South, Surbiton, Surrey KT6 7NF or, if the premises are in Scotland, to the Secretary, Department of Agriculture and Fisheries for Scotland, Animal Health Branch 3, Chesser House, Gorgie Road, Edinburgh EH11 3AW.

Insert Rules as set out in Article 6, followed by this Note:

" "Horse" means a horse, ass, mule (which includes hinny) or zebra".

FORM B

Diseases of Animals Act 1950

The Dourine Order 1975

(Articles 5 and 7)

CANCELLATION OF NOTICE DEFINING INFECTED PLACE (FORM A)

To .....

of .....

.....

I, the undersigned, being an inspector of the Ministry of Agriculture, Fisheries and Food (or an inspector of the local authority for the..... of.....) hereby cancel, as from this day of 19 , the notice (Form A) signed by and served on you on the day of 19 .

(Signed) .....

Official address .....

.....

Note.—The inspector is with all practicable speed to send copies of this notice to the veterinary inspector appointed for the time being by the Minister within the area, to the local authority, to the police officer in charge of the nearest police station of the police force for the area and, if the premises are in England or Wales, to the Secretary, Ministry of Agriculture, Fisheries and Food, Government Buildings, Block B, Hook Rise South, Surbiton, Surrey KT6 7NF or, if the premises are in Scotland, to the Secretary, Department of Agriculture and Fisheries for Scotland, Animal Health Branch 3, Chesser House, Gorgie Road, Edinburgh EH11 3AW.

FORM C

Diseases of Animals Act 1950
The Dourine Order 1975

(Article 8)

NOTICE IMPOSING RESTRICTIONS AS RESPECTS HORSES EXPOSED TO INFECTION

To .....
of .....
.....

I, the undersigned, being an inspector of the Ministry of Agriculture, Fisheries and Food (or an inspector of the local authority for the..... of.....) hereby give you notice as the occupier of the undermentioned premises that in accordance with the provisions of the above-mentioned order the premises become subject to the restrictions specified on the back hereof.

These restrictions will continue in force

(*a*) †until midnight on 19 .

(*b*) †until this notice is withdrawn by a further notice (Form D) served on you by an inspector of the Ministry or of the local authority.

Description of premises, stating parish where applicable, and district

PREMISES	PARISH	DISTRICT

Dated .....

(Signed) .....

Official address .....
.....

†Delete as appropriate

Note.—The inspector is with all practicable speed to send copies of this notice to the veterinary inspector appointed for the time being by the Minister within the area, to the local authority, to the police officer in charge of the nearest police station of the police force for the area and, if the premises are in England or Wales, to the Secretary, Ministry of Agriculture, Fisheries and Food, Government Buildings, Block B, Hook Rise South, Surbiton, Surrey KT6 7NF or, if the premises are in Scotland, to the Secretary, Department of Agriculture and Fisheries for Scotland, Animal Health Branch 3, Chesser House, Gorgie Road, Edinburgh EH11 3AW; in these copies there should be added the name and address of any person whose premises have been declared an infected place and from which there is or has been a risk of spread of infection to the premises described in this notice (Form C):—

Name .....

Address .....
.....

Restrictions imposed by this notice

(*a*) No horse shall be moved into or out of the premises specified in this notice except with a licence granted by an inspector of the Ministry and in accordance with such conditions as may be specified therein.

(*b*) No horse in the premises specified in this notice shall be allowed by the occupier or person in charge of the premises to stray therefrom.

Note.—"Horse" means a horse, ass, mule (which includes hinny) or zebra.

FORM D

Diseases of Animals Act 1950

The Dourine Order 1975

(Article 8)

NOTICE CANCELLING RESTRICTIONS AS RESPECTS HORSES EXPOSED TO INFECTION

To .....

of .....

.....

I, the undersigned, being an inspector of the Ministry of Agriculture, Fisheries and Food (or an inspector of the local authority for the..... of.....) hereby cancel as from the date of this notice the notice (Form C) served on you on the.....19..., in respect of the undermentioned premises:

.....

.....

Dated .....19 .

(Signed) .....

Official address.....

.....

Note.—The inspector is with all practicable speed to send copies of this notice to the veterinary inspector appointed for the time being by the Minister within the area, to the local authority, to the police officer in charge of the nearest police station of the police force for the area and, if the premises are in England or Wales, to the Secretary, Ministry of Agriculture, Fisheries and Food, Government Buildings, Block B, Hook Rise South, Surbiton, Surrey KT6 7NF or, if the premises are in Scotland, to the Secretary, Department of Agriculture and Fisheries for Scotland, Animal Health Branch 3, Chesser House, Gorgie Road, Edinburgh EH11 3AW.

EXPLANATORY NOTE

(This Note is not part of the order.)

This order applies to horses, asses, mules and zebras and makes the disease of horses etc. known as dourine a disease for all the purposes of the Diseases of Animals Act 1950 (Article 3).

The principal provisions of the order are:—

(1) requirements for notification in the case of an outbreak or suspected outbreak of the disease (Article 4);

(2) provision for the declaration of an infected place on receipt of such notifications, rules to be observed in such places, and the procedure to be followed in conducting a veterinary inquiry following such notifications (Articles 5, 6 and 7);

(3) further powers as to restriction of movement and as to cleansing and disinfecting etc. which may be applied to prevent the spread of the disease (Articles 8, 9 and 10).

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