Draft Order laid before Parliament under section 75(6) of the Anti-terrorism, Crime and Security Act 2001, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

PREVENTION AND SUPPRESSION OF TERRORISM

The Part 7 of the Anti-terrorism, Crime and Security Act 2001 (Extension to Animal Pathogens) Order 2007

Made - - - -

Coming into force - -

This Order is made in exercise of the powers conferred by section 75 of the Anti-terrorism, Crime and Security Act 2001(**a**).

The Secretary of State is satisfied that the animal pathogens to which this Order applies are of a description that could be used in an act of terrorism to cause widespread damage to property, significant disruption to the public or significant alarm to the public.

A draft of this Order has been laid before, and approved by resolution of, each House of Parliament in accordance with section 75(6) of that Act.

Accordingly, the Secretary of State makes the following Order:

1. This Order may be cited as the Part 7 of the Anti-terrorism, Crime and Security Act 2001 (Extension to Animal Pathogens) Order 2007 and shall come into force on the expiry of two months beginning with the day on which it is made.

2. Sections 58 to 74 of the Anti-terrorism, Crime and Security Act 2001 apply to the animal pathogens of a description set out in Schedule 5 to that Act, as modified by the Schedule to this Order, subject to the modifications set out in the Schedule to this Order.

Home Office

Minister of State

(**a**) 2001 c.24.

SCHEDULE

Article 2

Modifications to Provisions of Part 7 of the Anti-terrorism, Crime and Security Act 2001 as applied by this Order

1. Section 58 (pathogens and toxins to which requirements under Part 7 apply) is modified by omitting subsections (2) and (3).

2. Section 73 (orders and regulations) is modified by omitting subsection (2).

3. Schedule 5 is modified by substituting the following Schedule —

"SCHEDULE 5

ANIMAL PATHOGENS

African horse sickness virus

African swine fever virus

Bluetongue virus

Classical swine fever virus

Contagious bovine pleuropneumonia

Foot and mouth disease virus

Goat pox virus

Hendra virus (Equine morbillivirus)

Highly pathogenic avian influenza (HPAI) as defined in Annex I(2) of Council Directive 2005/94/EC(**a**)

Lumpy skin disease virus

Newcastle disease virus

Peste des petits ruminants virus

Rift Valley fever virus

Rabies and rabies-related Lyssaviruses

Rinderpest virus

Sheep pox virus

Swine vesicular disease virus

Vesicular stomatitis virus

Notes

Any reference in this Schedule to a micro-organism includes—

(a) intact micro-organisms;

(b) micro-organisms which have been genetically modified by any means, but retain the ability to cause serious harm to animal health;

(c) any nucleic acid derived from a micro-organism listed in this Schedule (synthetic or naturally derived, contiguous or fragmented, in host chromosomes or in expression vectors) that can encode infectious or replication competent forms of any of the listed micro-organisms;

(**a**) O.J. L10, 14.1.2006, p.16.

(d) any nucleic acid sequence derived from the micro-organism which when inserted into any other living organism alters or enhances that organism's ability to cause serious harm to animal health.".

EXPLANATORY NOTE

(This note is not part of the Order)

Part 7 of the Anti-terrorism, Crime and Security Act 2001 provides for the security of those pathogens and toxins which fall within the meaning of "dangerous substance" in section 58(4)(a) by virtue of consisting of or including a substance for the time being mentioned in Schedule 5 to that Act. Article 2 of this Order applies that Part in relation to those animal pathogens that satisfy, in the opinion of the Secretary of State, the test in section 75(4) of that Act. Such animal pathogens are listed in Schedule 5 to that Act, as substituted by paragraph 3 of the Schedule to this Order.

A Regulatory Impact Assessment in respect of this Order can be obtained from J. Fanshaw, the Terrorism and Protection Unit, Home Office, Peel Building, 2 Marsham Street, London SW1P 4DF (Tel. No. 020 7035 6821).

£3.00

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