STATUTORY INSTRUMENTS

2001 No. 887

ANIMALS

ANIMAL HEALTH

The Foot-and-Mouth Disease (Export of Vehicles) (Disinfection of Tyres) Regulations 2001

Made - - - -	*9th March 2001*
Laid before Parliament	*12th March 2001*
Coming into force	*10th March 2001*

The Minister of Agriculture, Fisheries and Food, being designated**(a)** for the purposes of section 2(2) of the European Communities Act 1972**(b)** in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on him by that section, and of all other powers enabling him in that behalf, makes the following Regulations:

Title, extent, commencement and cessation

1.—(1) These Regulations may be cited as the Foot-and-Mouth Disease (Export of Vehicles) (Disinfection of Tyres) Regulations 2001; they extend to the United Kingdom and shall come into force on 10th March 2001.

(2) These Regulations shall apply until midnight on 27th March 2001.

Interpretation

2.—(1) In these Regulations—

"approved disinfectant" means a disinfectant approved in respect of Foot-and-Mouth Disease Orders under the Diseases of Animals (Approved Disinfectants) Order 1978**(c)**;

"the Decision" means Commission Decision 2001/190/EC amending Commission Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom**(d)**;

"inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Minister (in England), the National Assembly for Wales (in Wales), the Scottish Ministers (in Scotland), the Department of Agriculture and Rural Development (in Northern Ireland) or a local authority, and includes a veterinary inspector;

(a) S.I. 1972/1811.

(b) 1972 c.68. See section 57(1) of the Scotland Act 1998 (c.46) as respects the continued exercisability of the functions by the Minister for the purpose of implementing any Community obligation of the United Kingdom.

(c) S.I. 1978/32, as amended by S.I. 1978/934, S.I. 1999/919 and S.I. 2001/608, and in relation to Scotland by S.S.I. 2001/45 and S.S.I. 2001/51.

(d) OJ No. L67, 9.3.2001, p.88.

"local authority" means—

(a) in any part of England where there is, within the meaning of the Local Government Changes for England Regulations 1994**(a)**, a unitary authority for that local government area, that authority;

(b) in any part of England where there is not a unitary authority—

(i) in a metropolitan district, the council of that district;

(ii) in a non-metropolitan county, the council of that county;

(iii) in each London borough, the council of that borough; or

(iv) in the City of London, the Common Council; or

(c) in any part of Wales, a county council or a county borough council;

(d) in any part of Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**(b)**;

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

"port" includes seaport, airport, hoverport and the United Kingdom terminal of the Channel tunnel;

"road vehicle" means any vehicle (other than new vehicles which have not been driven outside the place of production) which has been driven or ridden on any highway, road or farm or grazing land in the United Kingdom and "vehicle" includes a trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle;

"veterinary inspector" means a person appointed as a veterinary inspector by the Minister (in England, Wales and Scotland) or the Department of Agriculture and Rural Development (in Northern Ireland).

(2) For the purposes of the Scotland Act 1998**(c)**, these Regulations shall be taken to be a pre-commencement enactment within the meaning of that Act.

Disinfection of tyres of road vehicles transported from the British Islands

3. The managing body of a port or, where there is an operator of a seaport terminal that operator, shall ensure that no road vehicle is transported from that port or terminal to a destination outside the British Islands unless the tyres of that vehicle (other than any spare tyres) have been treated with an approved disinfectant.

Powers of inspectors

4.—(1) An inspector shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations; and in this regulation "premises" includes any place, installation, vehicle, ship, vessel, boat, craft, hovercraft, train or aircraft.

(2) Any inspector shall have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may—

(a) carry out inspections of any premises used in connection with the departure of road vehicles from the British Islands;

(b) examine documentary or data processing material relevant to the checks carried out under these Regulations; and

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(a) S.I. 1994/867.
(b) 1994 c.39.
(c) 1998 c.46.

(c) take with him a representative of the European Commission acting for the purposes of the Decision.

Obstruction

5.—(1) No person shall—

(a) intentionally obstruct any person acting in the execution of these Regulations;

(b) without reasonable cause, fail to give any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him for the purposes of his functions under these Regulations, or

(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences by bodies corporate

6.—(1) Where a body corporate (other than in Scotland) is guilty of an offence under these Regulations, 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 such capacity,

he as well as the body corporate shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, "director" in relation to a body corporate whose affairs are managed by its members means a member of the body corporate.

(3) Where an offence under these Regulations committed in Scotland by a body corporate or a partnership is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity (or in the case of a partnership, a partner or a person who was purporting to act as such), that person as well as the body corporate or the partnership, as the case may be, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Where the provisions of paragraph (3) above apply, and the affairs of a body corporate are managed by its members, those provisions shall apply in relation to the acts and defaults of a member in connection with the members' functions of management as if the member were a director of the body corporate.

Penalties

7. A person contravening any provision of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

Enforcement

8. These Regulations shall be enforced by the Minister or the local authority (in England, Wales and Scotland) and by the Department of Agriculture and Rural Development (in Northern Ireland).

Hayman
Minister of State,
Ministry of Agriculture, Fisheries and Food

8.00 pm, 9th March 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in the United Kingdom Article 10(2) of Commission Decision 2001/190/EC amending Commission Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom (OJ No. L67, 9.3.2001, p.88).

The Regulations impose, for the purpose of preventing the spread of foot-and-mouth disease, an obligation on the managing body of a port or, where there is an operator of a seaport terminal that operator, to ensure that no road vehicle is transported to a destination outside the British Islands through that port or terminal unless the tyres of that vehicle have been treated with an approved disinfectant (regulation 3).

A power is conferred on inspectors to enter land or premises and to carry out examinations for the purpose of ascertaining whether there has been any contravention of the Regulations (regulation 4).

Obstruction is an offence (regulation 5) and company directors and others can be punished for an offence by a body corporate (regulation 6).

Breach of the Regulations is punishable on summary conviction by a fine of up to £5,000 or by imprisonment for a term not exceeding three months or to both (regulation 7).

The Regulations are enforced in England, Wales and Scotland by the Minister or the local authority and in Northern Ireland by the Department of Agriculture and Rural Development (regulation 8).

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