STATUTORY INSTRUMENTS

1969 No. 1445

ANIMALS

DISEASES OF ANIMALS

The Foot and Mouth Disease (Infected Areas Restrictions) (Amendment) Order 1969

Made - - - - *7th October* 1969
Coming into Operation *20th October* 1969

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers vested in them under sections 1, 11, 20 and 85 of the Diseases of Animals Act 1950(a) (as read with the Transfer of Functions (Animal Health) Order 1955(b)), 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 Foot and Mouth Disease (Infected Areas Restrictions) (Amendment Order) 1969, applies to England, Wales and Scotland, and shall come into operation on 20th October 1969.

Interpretation

2.—(1) In this order "the principal order" means the Foot and Mouth Disease (Infected Areas Restrictions) Order of 1938 (as amended)(c).

(2) References in this order to any enactment or regulations are (unless the context otherwise requires) references thereto as from time to time amended or replaced.

(3) The Interpretation Act 1889(d) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

AMENDMENTS OF PRINCIPAL ORDER

General Amendments

3.—(1) Any reference in the principal order to a certification centre approved under the provisions of Part II of the Livestock Industry Act 1937(e) shall be construed as if it were a reference to a certification centre as defined for the purposes of any order providing for guarantee payments to be made in respect of fatstock (as therein defined) pursuant to Part I of the Agriculture Act 1957(f).

(2) For any reference in Articles 3, 4 and 6 of the principal order to an inspector of the Local Authority or to an inspector of the Local Authority of a specified district, there shall be substituted a reference to an inspector, and the form of licence set out in Schedule 1 to the principal order shall be amended accordingly.

(a) 1950 c. 36. For change of title of the Minister see S.I. 1955/554 (1955 I, p. 1200).
(b) S.I. 1955/958 (1955 I, p. 1184).
(c) S.R. & O. 1938/1434 (Rev. II, p. 528: 1938 I, p. 155): S.I. 1956/101, 1967/1839 (1956 I, p. 175; 1967 III, p. 4904).
(d) 1889 c. 63. (e) 1937 c. 50. (f) 1957 c. 57.

Specific Amendments

4. Article 2 (prohibition on movement of animals out of Infected Area) of the principal order shall be amended by the addition at the end thereof of the words "except an animal moved for the purpose of slaughter, accompanied by and in accordance with the conditions of a licence issued by an inspector, to a slaughterhouse in an Infected Area contiguous to the Infected Area in which the animal is at the time of the issue of the licence."

5. Article 4 (movement within Infected Area) of the principal order shall be amended as follows:—

(*a*) by the insertion in paragraph (2) thereof after the words "Livestock Industry Act, 1937", in paragraph (3) thereof after the words "certification centre" on each occasion when they occur, and in paragraph (5) thereof after the words "certification centre", of the words "or licensed collecting centre";

(*b*) by the insertion in paragraph (5) thereof, after the words "shall be granted" of the words "under this Article".

6. Article 5 (Markets and Sales and Gatherings of Animals for Certification purposes in Infected Area) of the principal order shall be amended as follows:—

(*a*) by the insertion in paragraph (1) thereof, after the words "gathering of animals", in paragraph 2(*b*) thereof, after the words "may be held", and in paragraph (3) thereof, after the words "gathering of animals" where they first occur, of the words "at a licensed collecting centre or";

(*b*) in paragraph (2) thereof, sub-paragraph (*c*) (which permits a sale of animals to be held under licence on a farm not less than two miles from any Infected Place) shall be omitted;

(*c*) by the insertion in paragraph (4) thereof, (which requires markets, fairs etc. at which animals are to be exposed to be notified to a veterinary inspector), after the words "to enable arrangements for such examination to be made" of the words "the licence shall specify the hours within which animals may be accepted and".

7. At the beginning of paragraph (1) of article 6 (forms and conditions of movement licences) of the principal order there shall be inserted the following words:—

"Except where the licence is (in accordance with article 14 of this order) for the direct movement of animals through an Infected Area by motorway from a place outside the area to another place outside the area".

8. Article 7 (disposal of slaughterhouse manure and refuse) of the principal order shall be amended as follows:—

(*a*) in the heading thereto the words "manure and refuse" shall be omitted and the word "products" substituted therefor;

(*b*) by the omission of the first sentence of that article and the substitution therefor of the following:—

"(1) No carcase or animal product (other than a carcase or animal product intended for human consumption) or manure, slurry or litter shall be moved from a slaughterhouse or knacker's yard in an Infected Area except when such movement is authorised by a licence granted by an Inspector of the Ministry. A licence so granted shall specify that any carcase or animal product as aforesaid or manure, slurry or litter moved in accordance with this Article shall be moved in a drip-proof

and covered container or vehicle and may specify such other conditions as to the movement as the Inspector considers necessary. Any such container or vehicle used for carrying out a movement authorised by this Article shall immediately after each occasion on which it is so used be cleansed and disinfected with an approved disinfectant.

(2) No slurry from a slaughterhouse or knacker's yard in an Infected Area may be discharged by means of equipment which produces a jet or spray of liquid except in accordance with the conditions of a licence granted by an Inspector of the Ministry."

9. Article 9 (control of dogs and poultry) of the principal order shall be amended by the deletion of the following words at the beginning of that article:—

"Within a radius of five miles from any Infected Place".

10. Article 11 (power to close footpaths and premises in an Infected Area) of the principal order shall be amended by the addition at the end of the first sentence of paragraph (1) thereof of the words "and into any place, to be specified by notice, consisting of an area of unenclosed mountain, hill or heath land, or common land or waste land in an Infected Area by exhibiting such notice at the place so specified".

11. Article 13 (prohibition of hunting, the holding of point-to-point meetings, coursing and whippet racing in an Infected Area) of the principal order shall be omitted and the following Article substituted therefor:—

"*Prohibition of sporting and recreational activities in an Infected Area*

13.—(1) The following activities are hereby prohibited in an Infected Area, namely:—

(*a*) hunting (which includes the hunting and stalking of deer),

(*b*) point-to-point meetings,

(*c*) the shooting, or attempted shooting of game or other wild life, and

(*d*) the racing or coursing or the training for racing or coursing of any hounds or dogs:

Provided that nothing in sub-paragraph (*d*) of this Article shall prohibit the racing or the training for racing of greyhounds in an Infected Area on a track which is a licensed track for the purposes of the Betting, Gaming and Lotteries Act 1963(a).

(2) An Inspector of the Ministry may prohibit by notice in writing the holding of any sporting or recreational activity on any land specified in such notice when in the opinion of the Inspector the holding of such activity on that land may cause the spread of disease. Notice of any such prohibition (which may be withdrawn or varied by a subsequent notice) shall be served on the person or persons responsible for the holding of such activity.

(3) Nothing in the foregoing provisions of this Article shall make unlawful the shooting or attempted shooting of any game or other wild life by the occupier of the land on or over which it is found, or by members of his household or any agricultural worker employed by him, or the culling of deer by any person holding a licence for that purpose issued by an Inspector of the Ministry.

(a) 1963 c. 2.

(4) Notice of a prohibition under this Article may be given to any person to whom the prohibition applies—

(*a*) by serving it on him in accordance with subsections (4) and (5) of section 77 of Diseases of Animals Act 1950(a);

(*b*) if he is a member or servant of a club or association, whether incorporated or unincorporated, by serving it on the secretary of the club or association;

(*c*) if he is a director, officer or servant of a limited company, by serving it on the secretary of the company;

(*d*) by exhibiting it in a prominent position on the land to which it relates, by publishing it in a newspaper circulating in the district in which the land is situated, or by exhibiting it or publishing it in such other way as the Minister is satisfied will best bring it to the attention of persons likely to be affected by the prohibition.

(5) Where notice is given by serving it on the secretary of a limited company, club or association, he shall immediately take all reasonable steps to bring it to the attention of any director, member, officer or servant of such company, club or association likely to be affected by the prohibition.

(6) It shall be unlawful for a person to remove, destroy, deface or alter any notice exhibited for the purpose of this article.

12. In article 17 (saving for orders and regulations) of the principal order the words "authorise the movement of animals in contravention of any regulations made by a local authority other than the local authority by whose inspector the licence was issued or" shall be omitted.

13. Article 21 (meaning of terms) of the principal order shall be amended as follows:—

(1) by the respective insertion in and addition to the definitions contained in paragraph (1) of that article of the following definitions:—

" "knacker's yard" means any premises used in connection with the business of slaughtering, flaying or cutting up animals the flesh of which is not intended for human consumption."

" "licensed collecting centre" means a centre licensed by the local authority with the approval of the Minister for the purposes of this order for the intermediate reception of animals intended to be moved from different points of departure within an Infected Area to one or more slaughterhouses within either such area or a contiguous Infected Area;"

" "motorway" means any road or part of a road to which the Motorways Traffic Regulations 1959(b) apply by virtue of regulation 4 thereof.

" "slurry" means liquid manure, or other effluent, of animal origin".

(2) by the omission of the definition of an Infected Place and the substitution therefor of the following:—

" "Infected Place" means any premises declared to be an infected place by a notice served by an Inspector."

(a) 1950 c. 36. (b) S.I. 1959/1147 (1959 II, p. 2507).

14. The following amendments shall be made in relation to the form of movement licence prescribed in Schedule 1 to the principal order (as amended), namely—

(*a*) condition 2 of the Conditions Applicable to Licences shall be omitted and the following condition substituted therefor:—

"2. This Licence does not authorise movement of animals on any road or by water within a radius of two miles of any Infected Place. No movement is authorised hereby out of any Infected Area, whether for the purpose of reaching a destination in an Infected Area or otherwise, unless the destination specified in Column IV is a slaughterhouse situated in an Infected Area contiguous to the Infected Area in which the place or premises specified in Column III are situated."

(*b*) in condition 3 the words "as far as practicable by railway and" shall be omitted, and at the end of that condition there shall be inserted the following sentence—

"For the purposes of this condition animals while being moved are kept separate from other animals if, but only if, they are moved in a vehicle other than one in which animals from another place are being moved."

(*c*) in condition 5 after the words "Livestock Industry Act, 1937," there shall be added the words "or licensed collecting centre".

(*d*) in the heading to conditions 6 and 7, after the words "CERTIFICATION PURPOSES", and in condition 6 after the words "certification centre" there shall be added the words "licensed collecting centre".

(*e*) in condition 7 a period of 48 hours shall be substituted for the period of 96 hours during which animals must be slaughtered after arrival at a slaughterhouse.

15. The following articles shall be inserted in the principal order immediately following Article 7 thereof, namely:—

"*Disposal of manure, litter and slurry*

7A.—(1) No person shall move out of an Infected Area any animal manure, slurry or litter.

(2) No person shall discharge slurry produced within 2 miles of an Infected Place, by means of equipment that produces a jet or spray of liquid, unless the discharge point of such jet or spray is directed downwards at an angle of not less than 45° from the horizontal and is not more than 3 feet above ground level.

(3) No person shall move in a manner liable to cause spilling or permit to be so moved any animal manure, slurry or litter on a highway and no person shall permit any animal other than an animal on the premises on which such manure, slurry or litter is produced, to touch any animal manure, slurry or litter.

7B.—(1) No person shall feed any milk produced by animals in an Infected Area, or any milk product derived from such milk, or washings from any container which has contained any such milk or milk product, to animals (except in the case of feeding to animals situated on the farm or other premises on which the milk or milk product was produced) until such milk, milk product or washings have been treated in accordance with the requirements of paragraph (3) of this Article.

(2) No person shall move onto any premises where animals are kept any milk produced in an Infected Area or any milk product derived from such milk, which is intended for feeding to animals (other than animals situated on the farm or other premises on which the milk or milk product was produced) unless such milk or milk product has been treated in accordance with the requirements of paragraph (3) of this Article.

(3) The requirements referred to in paragraphs (1) and (2) of this Article are:—

(*a*) heating to a temperature of 170°F (76·66°C) and holding at such temperature for at least 5 seconds; or

(*b*) heating to a temperature of 161·6°F (72°C) and holding at such temperature for at least 1 minute; or

(*c*) heating to a temperature of 149°F (65°C) and holding at such temperature for at least 2 minutes; or

(*d*) heating to a temperature of 140°F (60°C) and holding at such temperature for at least 30 minutes; or

(*e*) heating to a temperature specified in writing by a veterinary inspector and holding at such temperature for a period similarly specified by him; or

(*f*) in the case of whey only, holding at a temperature of not less than 50°F (10°C) for at least 24 hours.

(4) No person having in his possession or control any milk which he knows or ought reasonably to have known was produced in an Infected Area, or any milk product which he knows or ought reasonably to have known was produced from such milk, shall sell or otherwise dispose of it (except in the case of retail sale) unless it is accompanied by a declaration signed by him and made for the purposes of this Article stating—

(*a*) that the said milk was produced in an Infected Area or (as the case may be) that the said milk product was produced from such milk; and

(*b*) whether or not the said milk or milk product has been treated in the manner set out in paragraph (1) of this Article.

(5) Nothing in this Article shall prevent any person having in his possession milk or a milk product to which this Article relates disposing of such milk or milk product as waste in such a manner that it does not come into contact with animals.

(6) For the purpose of this Article the words "milk product" shall mean skimmed milk, whey or buttermilk.

Movement by milk tanker

7C. No person shall transport or cause to be transported milk produced in an Infected Area in a tanker vehicle unless such vehicle has fitted to the air outlet of the tank an air filter in serviceable condition and of a type approved by the Minister."

16. The following article shall be inserted in the principal order immediately following Article 13 thereof, namely:—

"*Movement of animals through an Infected Area*

14. This order shall not prevent the direct movement of animals through an Infected Area by railway or motorway from a place outside the area to another place outside the area,—

(*a*) in the case of movement by railway, if the animals are not untrucked within the area, or

(*b*) in the case of movement by motorway, if such movement is authorised by an Inspector of the Ministry by licence granted subject to such conditions as are specified in the licence.

If for any reason animals are untrucked within an Infected Area while being moved through such area by railway or motorway it shall be unlawful to re-truck such animals or to move them from the place where they are untrucked except to a farm or slaughterhouse situated not less than two miles from any Infected Place and within the same Infected Area and then only if accompanied by and in accordance with the conditions of a licence granted under Article 4 of this order."

Revocation of order

17. The Foot and Mouth Disease (Infected Areas Restrictions) (Amendment) Order 1967(**a**) is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd October 1969.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 7th October 1969.

(L.S.)

William Ross,
Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Foot and Mouth Disease (Infected Areas Restrictions) Order of 1938, as amended, in a number of respects. The principal changes are:—

(1) Movement of animals out of an Infected Area is permitted direct to a slaughterhouse in an adjoining Infected Area, subject to licence by an Inspector of the Ministry of Agriculture, Fisheries and Food or of the Local Authority, and animals may now be moved directly through an Infected Area by railway if not untrucked within the area, or by motorway subject to licence by an Inspector of the Ministry.

(2) Existing exemptions affecting the movement and assembly of animals in an Infected Area, which apply in respect of "certification centres" are extended to "licensed collecting centres", as respectively defined in the Order.

(**a**) S.I. 1967/1839 (1967 III, p. 4904).

(3) New restrictions are imposed on slaughterhouses and knackers yards in respect of the disposal of meat (other than meat intended for human consumption), other animal products and refuse.

(4) The existing prohibition on hunting, point-to-point meetings and dog racing in an Infected Area is extended to include shooting of game and other wild life (other than by the occupier of land, his household and agricultural workers) and such other sporting or recreational activities as may be specified in a notice given by an Inspector of the Ministry to the person responsible for holding this activity.

(5) New restrictions are imposed upon the disposal of animal manure and litter in an Infected Area, and upon the use and disposal of milk produced therein.

(6) The requirement that dogs shall be kept under control within 5 miles of an Infected Place has been extended to apply to the whole of an Infected Area.