STATUTORY INSTRUMENTS

1974 No. 1185

ANIMALS

DISEASES OF ANIMALS

The Teschen Disease Order 1974

Made - - - -	*11th July 1974*
Coming into Operation	*1st August 1974*

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(3)(*a*) and 85(1) of the Diseases of Animals Act 1950(**a**) and now vested in them(**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 Teschen Disease Order 1974, applies throughout Great Britain and comes into operation on 1st August 1974.

Interpretation

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

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

"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 Act 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(**c**), 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.

(**a**) 1950 c. 36.
(**b**) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958; 1955 I, p. 1184).
(**c**) 1966 c. 36.

(3) References in this order to Forms A, B, C, D and E 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.

(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 definition of "disease"

3. For the purposes of the Act, the definition of the expression "disease" in section 84(3)(*a*) of the Act is hereby extended to include Teschen disease.

Notification of Teschen disease

4.—(1) Every person having in his possession or under his charge any swine or the carcase of any swine which is affected or suspected of being affected with Teschen disease shall, with all practicable speed, give notice of the fact to a constable of the police force for the area wherein the swine 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 swine or carcase is.

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

(3) A constable receiving any such notice shall immediately—

(*a*) transmit the information by the most expeditious means to the veterinary inspector appointed as aforesaid to receive such information within the area wherein the swine or carcase is; and

(*b*) give information of the receipt by him of the notice forthwith to an inspector of the local authority, who shall forthwith report the fact to the local authority.

Declaration of infected place

5.—(1) A veterinary inspector on receiving information under the preceding article of the existence or suspected existence of Teschen disease on any premises or having through any other cause reasonable ground for suspecting that Teschen disease exists or has within the preceding 56 days existed on any premises, may cause a notice in Form A to be served 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 7 of this order.

(3) The restrictions imposed by such a notice shall continue in force until cancelled by a notice in Form B served by an inspector of the Ministry on the occupier of the infected place.

Veterinary inquiry as to the existence of Teschen disease

6.—(1) Where by reason of information received under articles 4 and 5 or otherwise there is ground for suspecting that Teschen disease exists or has within 56 days existed on any premises, a veterinary inspector shall with all

(a) 1889 c. 63.

practicable speed inquire as to the correctness of such information and examine the swine and any carcases of swine found on such premises. The opinion of the veterinary inspector as to the existence or otherwise of Teschen disease shall be subject to confirmation by or on behalf of the Chief Veterinary Officer of the Ministry.

(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) The occupier of any premises on which there is or has been any swine affected with or suspected of being affected with Teschen disease or the carcase of any such swine, and the veterinary surgeon, if any, who has been attending or been consulted respecting the said swine or carcase, and any person who has been in charge of the swine or carcase or in any manner exposed to infection by contact with it or otherwise 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 Ministry, the local authority and their inspectors.

(4) Any such occupier, veterinary surgeon or person as aforesaid shall, if so required by the Ministry or its inspectors, give such information as he possesses as to the swine or carcase, as to the location and movements of any other swine in his possession or charge and as to any premises which he may have visited where swine are or were kept.

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

Rules to be observed in relation to infected places

7. Any premises declared to be an infected place under article 5 of this order and any persons from time to time being thereon shall be subject to the following Rules, namely:—

Rule 1—No swine 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 2—No swine in an infected place shall be allowed by the owner or person in charge thereof to stray from the infected place.

Rule 3—No carcase of a swine shall be moved out of an infected place except with a licence granted by an inspector of the Ministry and in accordance with such conditions as may be specified therein.

Rule 4—No feedingstuffs or manure or slurry or litter of swine shall be removed out of an infected place except with a licence granted by an inspector of the Ministry and in accordance with such conditions as may be specified therein.

Rule 5—No vehicle, machine, equipment, pen, hurdle, sack or any other thing used for or about swine shall be removed out of an infected place

except with a licence granted by an inspector of the Ministry and in accordance with such conditions as may be specified therein.

Rule 6—No person shall enter any part of an infected place unless authorised by, and in accordance with, a written permit granted by an inspector of the Ministry. This prohibition does not apply to the entry of an inspector, or of the owner of the swine in the infected place or his representative, or of a person tending the swine, or of a veterinary surgeon employed by the owner.

Rule 7—Every person entering any part of an infected place shall wear suitable disposable overall clothing or suitable overall clothing which is capable of being disinfected and boots which are capable of being disinfected.

Rule 8—A receptacle containing a disinfectant specified in a notice served on the occupier or person in charge of the infected place by an inspector of the Ministry shall be kept in some convenient place (as directed by the inspector) at every exit from an infected place by the person on whom the said notice has been served. Every person immediately before leaving an infected place shall thoroughly cleanse and disinfect his overall clothing and boots in a receptacle so provided and also wash his hands with soap and water, and if wearing disposable overall clothing shall leave it on the infected place.

Rule 9—Notice of the death, or slaughter by or on behalf of the owner, of any swine in an infected place shall be given by the owner 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 to receive such information within the area wherein the carcase is.

Notice for exhibition at entrances to infected place

8. On confirmation in accordance with article 6(1) of this order of the existence of Teschen disease on any premises an inspector of the Ministry may cause to be exhibited at every entrance to any infected place on such premises a notice in Form C; and while any part of such premises remains an infected place it shall be unlawful for any person to remove, deface or obliterate such notice.

Restrictions affecting swine and carcases on premises exposed to infection

9.—(1) An inspector of the Ministry who as respects any premises—

(*a*) is of the opinion that Teschen disease may be spread thereto; or

(*b*) is satisfied that there is, or has been thereon within the preceding 56 days, any swine which is, or within the said period has been, exposed to the risk of infection of Teschen disease,

may serve a notice in Form D 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 withdrawn by a further notice in Form E signed by an inspector of the Ministry—

(*a*) no swine or carcase of a swine shall be moved 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 swine in the said premises shall be allowed by the owner or person in charge thereof to stray from the said premises;

(*c*) no swine shall be moved into the said premises except with a licence of an inspector of the Ministry and in accordance with such conditions as may be specified therein.

Cleansing and disinfection

10.—(1) An inspector of the Ministry may in such manner as he may direct cause to be cleansed and disinfected at the expense of the Ministry any place which has been used for a swine or carcase of a swine affected with or suspected of being affected with Teschen disease and anything used for or about such swine or carcase, or cause any manure or litter used for bedding or otherwise for such swine or carcase to be disinfected or buried or burned or otherwise destroyed or disposed of.

(2) An inspector of the Ministry may, instead of exercising the foregoing powers, serve a notice on the occupier of any such place as aforesaid or on the owner of any such thing which has been used for or about a swine or carcase of a swine affected with or suspected of being affected with Teschen disease requiring him at his own expense to cleanse and disinfect any such place or thing, or to disinfect or bury or burn or otherwise destroy or dispose of any such manure or litter, and the said occupier or owner 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.

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

(4) Nothing done by the Ministry under the preceding paragraph shall prejudice any proceedings against a person for failure to comply with the notice.

Powers of Minister to prohibit or control movement

11. If an inspector of the Ministry has reasonable grounds for believing that the movement of any swine, or the carcase of any swine or of any thing from any place may be attended with a risk of spread of Teschen disease he may, for the purpose of preventing the spread of the disease, prohibit the movement of any swine, carcase or thing 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 swine, carcase or thing.

Enforcement by local authority

12.—(1) The provisions of this order, except where it is otherwise provided, shall be executed and enforced by the local authority.

(2) A copy of any notice served under the provisions of articles 5(1), 6(5), 9(1) and 9(2) of this order shall as soon as practicable be forwarded to the local authority and to the police officer in charge of the nearest police station of the police force for the area by an inspector of the Ministry.

Offences

13. 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.

Amendment of Order

14. The definition of "disease" contained in article 4 of the Animals (Miscellaneous Provisions) Order of 1927(a), as amended(b), (which article contains powers for requiring special disinfection of slaughterhouses to prevent the spread of disease) shall be amended so as to include Teschen disease.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th July 1974.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

William Ross,
Secretary of State for Scotland.

11th July 1974.

(a) S.R. & O. 1927/290 (Rev. II, p. 449: 1927, p. 78).
(b) S.R. & O. 1938/197 (Rev. II, p. 455; 1938 I, p. 325).

SCHEDULE—FORMS

FORM A

Diseases of Animals Act 1950
Teschen Disease Order 1974
(Articles 5 and 7)

NOTICE DEFINING INFECTED PLACE

To .....

of .....

.....

I, the undersigned, being an inspector of the Ministry of Agriculture, Fisheries and Food, 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 on the occupier of the infected place.

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

PREMISES	PARISH	DISTRICT

Dated.....19....

(Signed).....

(Address) .....

.....

NOTE—The inspector is with all practicable speed to send copies of this notice to the local authority and to the police officer in charge of the nearest police station of the police force for the area.

The Rules set out in article 7 are to be printed on the back of this notice.

FORM B

Diseases of Animals Act 1950

Teschen Disease Order 1974

(Articles 5 and 6)

CANCELLATION OF NOTICE DEFINING INFECTED PLACE (FORM A)

To.....

of.....

.....

I, the undersigned, being an inspector of the Ministry of Agriculture, Fisheries and Food, hereby cancel, as from the date of this notice the notice (Form A) signed by

and served upon you on the day of 19 .

Dated.....19....

(Signed).....

(Address) .....

.....

NOTE—The inspector is with all practicable speed to send copies of this notice to the local authority and to the police officer in charge of the nearest police station of the police force for the area.

FORM C

Diseases of Animals Act 1950

Teschen Disease Order 1974
(Article 8)

(Notice for exhibition at entrances to infected place)

DISEASES OF ANIMALS ACT 1950
TESCHEN DISEASE
INFECTED PLACE

AN INFECTED PLACE FOR THE PURPOSES OF THE TESCHEN DISEASE ORDER 1974 HAS BEEN DECLARED ON THESE PREMISES.

ACCORDINGLY NO PERSON (EXCEPT THE OWNER OF THE SWINE OR HIS REPRESENTATIVE OR THE PERSON TENDING THE SWINE OR A VETERINARY SURGEON EMPLOYED BY THE OWNER OR AN INSPECTOR OF THE LOCAL AUTHORITY) MAY ENTER ANY PART OF THE INFECTED PLACE UNLESS AUTHORISED IN WRITING BY AN INSPECTOR OF THE MINISTRY.

THE LIMITS OF THE INFECTED PLACE MAY BE ASCERTAINED FROM THE OCCUPIER.

BY ORDER OF THE MINISTRY OF AGRICULTURE, FISHERIES AND FOOD.

Caution. So long as any part of these premises remains an infected place, it is an offence to remove, deface or obliterate this notice.

FORM D

Diseases of Animals Act 1950

Teschen Disease Order 1974

(Article 9)

NOTICE IMPOSING RESTRICTIONS ON MOVEMENT OF SWINE AND CARCASES

To .....

of .....

.....

I, the undersigned, being an inspector of the Ministry of Agriculture, Fisheries and Food, hereby give you notice as the occupier of the undermentioned premises that in accordance with the provisions of the above mentioned order the movement of swine into or out of and of carcases of swine out of the undermentioned premises becomes subject to the restrictions specified on the back hereof.

These restrictions will continue in force until the expiration of a period of ..... days from the date of service of this notice unless the notice is withdrawn previously by a further notice (Form E) served upon the occupier by an inspector of the Ministry.

Description of premises, stating parish where applicable, and district.

PREMISES	PARISH	DISTRICT

Dated .....19....

(Signed) .....

(Address) .....

.....

NOTE—The inspector is with all practicable speed to send copies of this notice to the local authority and to the police officer in charge of the nearest police station of the police force for the area; 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 Teschen disease infection to the premises described in this notice (Form D):—

Name .....

Address .....

.....

Restrictions imposed by this notice

1. No swine or carcase of a swine shall be moved 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.

2. No swine in the said premises shall be allowed by the owner or person in charge thereof to stray from the said premises.

3. No swine shall be moved into the said premises except with a licence of an inspector of the Ministry and in accordance with such conditions as may be specified therein.

FORM E

Diseases of Animals Act 1950

Teschen Disease Order 1974

(Article 9)

NOTICE WITHDRAWING RESTRICTIONS ON MOVEMENT OF SWINE AND CARCASES

To .....

of .....

.....

I, the undersigned, being an inspector of the Ministry of Agriculture, Fisheries and Food, hereby withdraw as from the date of this notice the notice (Form D) served upon you on the ..... 19 , placing restrictions on the movement of swine into or out of and of carcases out of the premises described

as .....

.....

.....to which that notice applied.

Dated.....19....

(Signed).....

(Address) .....

.....

NOTE—The inspector is with all practicable speed to send copies of this notice to the local authority and to the police officer in charge of the nearest police station of the police force for the area.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order (which includes provisions to enable provisions of Council Directive (EEC) No. 64/432, as amended by Council Directive (EEC) No. 71/285, in respect of restrictions on movement of swine in the event of an outbreak of Teschen disease to be implemented) makes the disease of swine known as Teschen disease 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 requirements as to restriction of movement and cleansing and disinfection etc. which may be applied to prevent the spread of the disease (Articles 9, 10 and 11).

SI 1974/1185
ISBN 0-11-041185-4

