STATUTORY INSTRUMENTS

1983 No. 1382

ANIMALS

ANIMAL HEALTH

The Warble Fly (England and Wales) (Infected Areas) Order 1983

Made - - - -	*8th September* 1983
Coming into Operation	*26th September* 1983

The Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State in relation to Wales, in exercise of the powers conferred on them by sections 1, 8(1), 17(1), 23 and 25 of the Animal Health Act 1981(**a**), and of all other powers enabling them in that behalf, hereby order as follows:—

Title and commencement

1. This order may be cited as the Warble Fly (England and Wales) (Infected Areas) Order 1983 and shall come into operation on 26th September 1983.

Interpretation

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

"the Act" means the Animal Health Act 1981;

"the appropriate Minister" means the Minister in relation to England and the Secretary of State in relation to Wales;

"cattle" does not include calves aged less than twelve weeks;

"cattle market" includes any public sale or exhibition of cattle;

"certificate of exemption" means a certificate issued by a veterinary inspector under paragraph (2) of article 12;

"declaration of treatment" means a declaration in form G signed by the owner or person in charge of the cattle to which the declaration relates or by his duly authorised agent;

"dressing" means a product for which there is a valid product licence granted under the Medicines Act 1968(**b**) permitting its sale and supply for systemic use to kill warble fly;

(**a**) 1981 c. 22; the definition of "disease" in section 88(1) of that Act was extended to include the infestation of cattle with the warble fly by article 3 of S.I. 1982/234.
(**b**) 1968 c. 67.

"infected area" means an area declared to be an infected area by a special order made under paragraph (1) of article 3;

"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;

"the Minister" and "the Ministry" mean repectively the Minister and the Ministry of Agriculture, Fisheries and Food;

"premises" includes land;

"relevant period" means the period during which a special order made under paragraph (1) of article 3 remains in force;

"to treat" means to apply a dressing according to its manufacturer's instructions, and related expressions shall be construed accordingly;

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

"warble fly" means the warble fly in any stage of its life cycle.

(2) Any reference in this order—

(a) to a numbered article is a reference to the article bearing that number in this order; and

(b) to a lettered form is a reference to the form bearing that letter in the schedule to this order.

Declaration of infected areas

3.—(1) If the Minister believes or suspects that warble fly exists in an area he may, by special order, declare the area to be an infected area.

(2) Any premises partly within an infected area shall be deemed to be wholly within that area.

(3) A special order made under paragraph (1) above—

(a) shall specify the date on which it shall come into force and the date on which it shall cease to be in force;

(b) may provide that any of the provisions of this order shall not apply in the infected area, or shall apply only during such period as may be specified;

(c) may be varied or revoked by a subsequent special order.

Infected area movement restrictions

4.—(1) Subject to the provisions of this article the movement of cattle out of an infected area is prohibited.

(2) The prohibition imposed by paragraph (1) above shall not apply to the movement of cattle—

(a) under the authority of a licence in form F; or

(b) through an infected area from a place outside the area direct to another place outside the area by rail or motorway.

(3) Cattle moved through an infected area in accordance with subparagraph (b) of paragraph (2) above shall be moved through the area with all practicable speed and by the most direct route and shall not be unloaded in the area except in cases of emergency.

Treatment requirement

5.—(1) Subject to paragraph (4) below, cattle which are in an infected area at any time during the relevant period shall be treated by the owner or person in charge of them to the satisfaction of an inspector.

(2) The treatment shall, if the inspector to whom notice is given in accordance with paragraph (1) of article 7 so requires, be carried out in the presence of an inspector.

(3) The treatment shall be completed within the relevant period or, in the case of cattle which are moved into the infected area during the last seven days of the relevant period, within seven days of the last day of the period.

(4) Paragraph (1) above shall not apply to—

(a) cattle which are slaughtered during the relevant period or, in the case of cattle which are moved into the infected area during the last seven days of the relevant period, which are slaughtered within seven days of the last day of the period;

(b) cattle moved through an infected area in accordance with paragraph (2)(b) of article 4.

Restriction on movement of cattle not treated in accordance with article 5

6. If any cattle required to be treated by paragraph (1) of article 5 are not treated in accordance with that article—

(a) an inspector may, without prejudice to any criminal proceedings arising from the failure to treat, serve a notice in form H on the owner or person in charge of the cattle requiring their treatment by the date and at the place specified in the notice to the satisfaction of an inspector and, if the notice so requires, in the presence of an inspector; and

(b) until they have been so treated they shall not be moved from the premises on which they were situated when the notice in form H was served except under the authority of a licence in form F.

Notice of treatment

7.—(1) An owner or person in charge of cattle required to be treated by paragraph (1) of article 5 or by a notice in form H served under article 6(a) shall given written notice of his intention to treat the cattle to an inspector of the local authority for the area in which the treatment is to take place.

(2) The notice shall state the date, time and place of the intended treatment and the approximate number of cattle intended to be treated.

(3) The notice shall be delivered or sent by post to the inspector so as to be received at least three clear days before the intended time of treatment.

(4) If for any reason the intended treatment of the cattle at the time specified in the notice becomes impracticable, the owner or person in charge shall immediately inform the inspector of the alternative arrangements proposed for the treatment of the cattle and shall treat them in accordance with those arrangements as soon as practicable and in any case within the period within which they were required to be treated by paragraph (3) of article 5 or by the notice in form H, as the case may be.

Declaration of treatment

8. The owner or person in charge of any cattle required to be treated by paragraph (1) of article 5 or by a notice in form H served under article 6*(a)* shall, not later than the eighth day after the day on which the cattle were treated, make a declaration of treatment in form G and deliver it or send it by post to an inspector of the local authority for the area in which the treatment took place.

Cattle on common land

9.—(1) If cattle are grazed or kept on common land in an infected area an inspector may, if he considers it necessary or expedient for the purpose of preventing the spreading of warble fly, serve on the owner or person in charge of them a notice in form I.

(2) A person on whom a notice in form I is served shall, by the date specified in the notice, gather the cattle to which the notice relates at the place specified in the notice and ensure that they are not moved from the place except under the authority of a licence in form F until an inspector serves a notice in form J on him withdrawing the notice in form I.

Markets

10.—(1) No person shall hold or shall cause or permit to be held a cattle market in an infected area except under the authority of a licence issued by an inspector of the local authority for the area in which the market is to be held.

(2) A licence issued under paragraph (1) above authorising the holding of a cattle market shall be subject to one of the following conditions—

(a) no cattle other than cattle which—

(i) have been treated since the area in which the market is to be held was declared to be an infected area, and

(ii) are accompanied by such a declaration as is mentioned in article 8 of the Warble Fly (England and Wales) Order 1982(**a**),

shall be admitted to the market;

(b) no cattle other than cattle which have not been treated as mentioned in sub-paragraph *(a)*(i) above shall be admitted to the market; or

(**a**) S.I. 1982/234.

(c) cattle which have been so treated and cattle which have not been so treated may be admitted to the market and shall be kept separate from each other at all times.

(3) In the case of a cattle market which is held under the authority of a licence subject to the condition mentioned in paragraph (2)*(c)* above, an inspector of the local authority for the area in which the market is held may give such directions as he considers necessary to secure the effective separation of the cattle mentioned in that paragraph and the person to whom the licence was issued shall comply with any such directions forthwith.

(4) No cattle may leave a cattle market held in an infected area except under the authority of a licence in form F.

(5) A licence in form F issued under paragraph (4) above in respect of cattle which have not been treated since the area in which the market is held was declared to be an infected area shall authorise the movement of the cattle only to—

(a) a slaughterhouse; or

(b) the premises from which they were brought to the market.

Action in default

11. If any person fails to take any action required to be taken by him under this order or any notice or licence served or issued under it then, without prejudice to any criminal proceedings arising from such failure, the appropriate Minister or the local authority may take or cause to be taken the action and any reasonable expense incurred in taking the action shall be recoverable as a civil debt by the appropriate Minister or, as the case may be, by the local authority.

Exemptions from treatment

12.—(1) Any requirement to treat cattle arising under this order or any notice or licence served or issued under it shall not apply in respect of any cattle if—

(a) it is not reasonable, and has at no time since the requirement arose been reasonable, to treat them on account of sickness, treatment other than for warble fly or any other veterinary reason; or

(b) a veterinary inspector has issued a certificate of exemption in respect of them under paragraph (2) below.

(2) A veterinary inspector may at the request of the owner or person in charge of any cattle issue a certificate of exemption in respect of the cattle if he is satisfied that it is impracticable or inexpedient to treat them.

Cancellation of notices, etc

13. A veterinary inspector may at any time cancel any notice served or revoke any certificate of exemption issued under this order by notice in writing given to the person on whom the notice was served or to whom the certificate of exemption was issued, as the case may be.

Licences

14.—(1) Any person in charge of cattle being moved under the authority of a licence in form F shall carry the licence with him and shall, on demand made by an inspector, produce the licence and allow a copy or extract to be taken and shall also, if so required by the inspector, furnish his name and address.

(2) A licence in form F authorising the movement of any cattle shall be issued by an inspector of the local authority for the area in which the cattle are situated when application is made for the issue of the licence.

(3) An inspector shall not issue a licence in form F authorising the movement of any cattle if he is satisfied that the movement would give rise to any risk of the spreading of warble fly.

(4) A licence in form F authorising the movement of any cattle or a licence issued under paragraph (1) of article 10 authorising the holding of any cattle market shall be retained by the person receiving the cattle or holding the market as the case may be for a period of 12 months following the completion of the movement or the holding of the market and shall be produced to an inspector on demand being made by him at any reasonable time during that period.

(5) Any person applying for a licence in form F authorising the movement of any cattle or a licence under paragraph (1) of article 10 authorising the holding of any cattle market shall provide the inspector to whom the application is made with such information as the inspector may reasonably require to enable him to determine whether or not the movement of the cattle or the holding of the market as the case may be would give rise to the risk of the spreading of warble fly.

(6) A licence in form F or a licence under paragraph (1) of article 10 may be issued subject to such conditions as the inspector issuing it considers necessary or expedient for the purpose of preventing the spreading of the warble fly and he or an inspector on his behalf may at any time, by notice in writing given to the person to whom the licence was issued, revoke, vary or suspend the licence.

Offences

15. No person shall, without lawful authority or excuse, proof of which shall lie on him—

(a) contravene or fail to comply with any provision of this order, or any provision or condition of any licence, certificate of exemption or notice issued or served under it, or

(b) cause or permit any such contravention or non-compliance.

Local authority to enforce order

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

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 5th September 1983.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

Nicholas Edwards,
8th September 1983. Secretary of State for Wales.

SCHEDULE

FORM F

ANIMAL HEALTH ACT 1981

WARBLE FLY (ENGLAND AND WALES) (INFECTED AREAS) ORDER 1983

MOVEMENT LICENCE

I, ..., being an inspector of ..... Council, hereby authorise the movement of the cattle described below from the place, to the destination and subject to the conditions (if any) specified below.

Name of applicant .....

Address .....

.....

Official identity number	Description of cattle (eg. age, breed, sex)	Place from which to be moved	Destination

CONDITIONS

Signed ..... Dated .....

(Inspector)

Official Address .....

.....

.....

NOTES

1. The person in charge of the cattle being moved under the authority of this licence must carry the licence with him and, on demand made by an inspector, produce it to him and allow a copy or extract to be taken. He must also, if required, furnish his name and address.

2. This licence must, on completion of the movement of the cattle, be handed to the person receiving the cattle who must retain it for 12 months. He may be required to produce it to an inspector during that time.

FORM G

ANIMAL HEALTH ACT 1981

WARBLE FLY (ENGLAND AND WALES) (INFECTED AREAS) ORDER 1983

(Article 8)

DECLARATION OF TREATMENT

I, (name) .....

of (address) .....

.....

hereby declare that all the cattle in my ownership or charge required to be treated under the provisions of the above order were treated in accordance with those provisions with a systemic warble fly dressing on (date of treatment) .....

The type of dressing used was .....

It was purchased from .....

Signed ..... Dated .....

MAKING A FALSE DECLARATION MAY RENDER YOU LIABLE TO PROSECUTION UNDER THE ANIMAL HEALTH ACT 1981.

FORM H

ANIMAL HEALTH ACT 1981

WARBLE FLY (ENGLAND AND WALES) (INFECTED AREAS) ORDER 1983

TREATMENT NOTICE

(Article 6(a))

I, ..., being an inspector of the Ministry of Agriculture, Fisheries and Food*/ ..... Council*, hereby require you as the owner or person in charge of the cattle described below to treat them to the satisfaction of an inspector with a systemic warble fly dressing by the date and at the place specified below.

The treatment shall be carried out in the presence of an inspector*. Until the cattle have been so treated they must not be moved except under the authority of a licence in form F.

* Delete where applicable.

Description of cattle .....

.....

Date by which treatment must be carried out .....

Place at which treatment must be carried out .....

.....

Signed ..... Dated .....

(Inspector)

Official Address .....

.....

FORM I

ANIMAL HEALTH ACT 1981

WARBLE FLY (ENGLAND AND WALES) (INFECTED AREAS) ORDER 1983

(Article 9)

I, ..., being an inspector of the Ministry of Agriculture, Fisheries and Food*/ ..... Council*, hereby require you as the owner or person in charge of the cattle described below to gather them at the place and by the date specified below.

The cattle must not be moved from that place except under the authority of a licence in form F until an inspector serves a notice in form J withdrawing this notice.

* Delete where inapplicable

Description of cattle .....

Place at which cattle must be gathered .....

Date by which cattle must be gathered .....

Signed ..... Dated .....

(Inspector)

Official address .....

.....

FORM J

ANIMAL HEALTH ACT 1981

WARBLE FLY (ENGLAND AND WALES) (INFECTED AREAS) ORDER 1983

(Article 9)

I, ..., being an inspector of the Ministry of Agriculture, Fisheries and Food*/ ..... Council*, hereby withdraw the notice in form I served on you on .....

* Delete where inapplicable

Signed ..... Dated .....

(Inspector)

Official Address .....

.....

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order, which applies to England and Wales, enables the Minister of Agriculture, Fisheries and Food to declare any area in which he believes or suspects the warble fly to exist to be an infected area. The warble fly is an insect which parasitically infests cattle.

The main provisions of the order are as follows—

(1) the movement of cattle out of an infected area is regulated (article 4);

(2) cattle in an infected area must, with certain exceptions, be treated (articles 5 and 12);

(3) cattle grazed or kept on common land in an infected area can be required to be gathered in (article 9); and

(4) the holding of cattle markets in an infected area is prohibited except under the authority of a licence (article 10).

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