

2002 No. 2152

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Disease Control (Interim Measures) (England) (No.2)
Order 2002**

Made - - - - - 5.00 pm 16th August 2002

Coming into force - - - 6th September 2002

The Secretary of State, in exercise of the powers conferred on her under sections 1, 7, 8(1), 83(2) and 87(2) of the Animal Health Act 1981(a) and of all other powers enabling her in that behalf, makes the following Order:

Title, application, commencement and cessation

1.—This Order may be cited as the Disease Control (Interim Measures) (England) (No.2) Order 2002; it applies to England, shall come into force on 6th September 2002 and shall cease to have effect on 1st February 2003.

Interpretation

2.—In this Order—

“animals” means cattle (excluding bison and yak), deer, goats, sheep and swine;

“the Act” means the Animal Health Act 1981;

“approved disinfectant” means a disinfectant listed in Schedule 1 to the Diseases of Animals (Approved Disinfectants) Order 1978(b), as being approved for use in respect of Foot-and-Mouth Orders;

“breeding isolation facility” has the meaning assigned to it in article 3(3)(g)(i);

“Cattle Identification Regulations” means the Cattle Identification Regulations 1998(c);

“cattle passport” has the meaning it is given in the Cattle Identification Regulations save that it shall not include a calf passport as defined in those Regulations;

“collecting centre” means premises used for the intermediate reception of animals intended to be moved elsewhere and includes any place used, whether as a market or otherwise, for the sale or trading of animals but only where the animals being sold or traded are intended for immediate slaughter thereafter;

“controlled area order” means any declaratory order made under article 30 of the Foot-and-Mouth Disease Order 1983(d);

(a) 1981 c. 22. Functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) and were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(b) S.I. 1978/32 to which relevant amendments have been made by S.I. 1999/919 and S.I. 2000/3195 and, as regards England, by S.I. 2001/608.

(c) S.I. 1998/871, as amended by S.I. 1998/1796, S.I. 1998/2969 and S.I. 1999/1339.

(d) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and further amended, as regards England, by S.I. 2001/571, S.I. 2001/680, S.I. 2001/974, S.I. 2001/1078, S.I. 2001/1407, S.I. 2001/1514, S.I. 2001/1862, S.I. 2001/2238, S.I. 2001/2735, S.I. 2001/2814, S.I. 2001/2994, S.I. 2001/3140, S.I. 2001/3722 and S.I. 2001/4029.

“CPH number” means the county parish holding number assigned from time to time to any premises or part of any premises by the Department for Environment, Food and Rural Affairs;

“disinfect” means disinfect with an approved disinfectant;

“hunting” means the use of hounds, beagles or other dogs for the purpose of hunting or coursing any deer, fox, mink, hare or rabbit or for hunting any drag or other trail;

“individual identification number” has the same meaning as in the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002(a);

“keeper” means any person having care and control of animals even on a temporary basis and includes, for the purposes of article 6(6)(a), any person transporting the animals;

“land” includes common or unenclosed land;

“premises” includes land, with or without buildings;

“registered right of common” means a right of common registered under the Commons Registration Act 1965(b) or a right of common which is exempt from such registration but which is registered, designated, attached, or otherwise recognised, continued or preserved under and in accordance with any of the New Forest Acts 1854, 1949, 1964 and 1970, the Epping Forest Acts 1878 and 1880(c) or the City of London (Various Powers) Act 1977(d) or any like right or permission exercised in the Forest of Dean;

“qualified veterinary surgeon” means a fellow or member of the Royal College of Veterinary Surgeons;

“S Mark” has the same meaning as in the Sheep and Goats Identification and Movement (Interim Measures) Order 2002;

“Scottish Ministers” has the meaning it is given in section 44 of the Scotland Act 1998(e);

“slaughterhouse” has the meaning it is given in the Fresh Meat (Hygiene and Inspection) Regulations 1995(f);

“sole occupancy group” means any group of premises in relation to which an authority has been issued by the Secretary of State permitting movements between each of the premises in the group;

“tack land” means land on to which animals belonging to another have been taken to be fed or pastured for reward by an agister; and

“veterinary treatment” includes, in the case of goats, the collection of semen.

Restrictions on the movement of animals

3.—(1) Subject to the following provisions of this article, no person shall move an animal from any premises (in this article referred to as the “premises of origin”) unless the following requirements are met

- (a) the movement is made under the authority of a licence issued by the Secretary of State or an inspector and in accordance with the conditions thereof; and
- (b) no animal has been moved on to the premises of origin (or other premises in the same sole occupancy group) during the period of 20 days before the day on which the first mentioned animal is to be moved (such period being referred to in this article as “the standstill period”).

(2) The requirement contained in paragraph (1)(b) shall not apply—

- (a) if the premises of origin are a market, collecting centre, artificial insemination centre, or place for veterinary treatment;
- (b) if the movement is—
 - (i) of a pig—
 - (aa) as referred to in article 8(3)(b) of the Pigs (Records, Identification and Movement) Order 1995(g); or
 - (bb) to a market for pigs intended for immediate slaughter;

(a) S.I. 2002/240, as amended by S.I. 2002/764 and S.I. 2002/1349.

(b) 1965 c. 64.

(c) 1878 c. CCXIII (41 & 42 Vict.) and 1880 c. CXXX (43 & 44 Vict.)

(d) 1977 c. CXV.

(e) 1998 c. 46.

(f) S.I. 1995/539, as last amended by S.I. 2002/118.

(g) S.I. 1995/11, as amended by S.I. 1995/2922 and, as regards England, by S.I. 2002/241.

- (ii) of an animal direct to a slaughterhouse, or to a collecting centre for animals intended for immediate slaughter, provided that in the latter case—
 - (aa) the collecting centre premises have not been and will not be used on the same day for a show or exhibition or for the sale or trading of animals otherwise than for immediate slaughter; and
 - (bb) all animals moved to the collecting centre are moved from there direct to a slaughterhouse;
- (iii) of a calf less than 30 days old (for which a cattle passport has been issued and to which ear tags have been applied in accordance with article 3(3) of the Cattle Identification Regulations) from premises of origin which are either the premises on which the calf was born or other premises in the same sole occupancy group, save that this exemption shall not apply if—
 - (aa) any animal has been moved during the standstill period direct from a market on to the premises of origin or other premises in the same sole occupancy group;
 - (bb) the calf is being moved to a collecting centre or market; or
 - (cc) the calf is being moved to a show or exhibition;
- (iv) of a lamb or kid less than 7 days old from premises of origin which are either the premises on which it was born or other premises in the same sole occupancy group to any other premises not more than 10 kilometres by road from the premises of origin, where this is for the purpose of fostering that lamb or kid;
- (v) the return from tack land of a sheep to the premises from which it was originally moved or to other premises in the same sole occupancy group provided that the tack land was managed separately from and had a different CPH number from the remainder of any premises of which it was a part at all times during the period the sheep was there;
- (vi) of an animal between premises in a sole occupancy group in accordance with an authority issued by the Secretary of State;
- (vii) of an animal to a show or exhibition from another show or exhibition;
- (viii) of an animal to a show or exhibition, otherwise than from another such event or in the circumstances referred to in paragraph (x), provided it has been isolated for the 20 days preceding the day of the movement from all other animals on the premises of origin and any other premises in the same sole occupancy group and has been identified, marked or tagged—
 - (aa) in the case of cattle in accordance with the requirements of the Cattle Identification Regulations;
 - (bb) in the case of a sheep or goat with an individual identification number; or
 - (cc) in the case of a deer in accordance with the requirements of the Tuberculosis (Deer) Order 1989(a);
- (ix) of an animal to a show or exhibition from premises to which it has been moved from another show or exhibition, providing no other animal has been moved onto those premises (or other premises in the same sole occupancy group) during the period of 20 days before the day on which the first mentioned animal is to be moved;
- (x) of an animal from a show or exhibition to anywhere other than another show or exhibition provided that for the 20 days following the movement from the show or exhibition
 - (aa) it is not moved from the new premises except to another show or exhibition; and
 - (bb) while on the new premises is isolated from all other animals;
- (xi) of cattle from premises of origin in circumstances where—
 - (aa) the only movement of animals on to the premises of origin has been of a calf less than 30 days old brought from the premises on which it was born or from other premises in the same sole occupancy group;

(a) S.I. 1989/878, to which relevant amendments are made by S.I. 1993/2010.

- (bb) the premises of origin are authorised to be used as a specialist calf rearing unit by a notice issued by a veterinary inspector or the Secretary of State; and
- (cc) the cattle to be moved have been issued with cattle passports and tagged in accordance with the Cattle Identification Regulations;
- (xii) of an animal for direct export or to a collecting centre or assembly centre approved under regulation 12(2) of the Animal and Animal Products (Import and Export) (England and Wales) Regulations 2000(a) prior to such export;
- (xiii) of an animal which has been imported into the United Kingdom direct to any premises from its point of entry into the United Kingdom;
- (xiv) of an animal between land over which the owner or keeper of the animal has a registered right of common and—
 - (aa) premises occupied by the owner or keeper of the animal and in relation to which the registered right of common is customarily exercised; or
 - (bb) premises occupied by any other person who has a registered right of common over that land and in relation to which the registered right of common is customarily exercised;
- (xv) of an animal between premises occupied by the owner or keeper of the animal and in relation to which a registered right of common over land is customarily exercised and premises occupied by any other person who has a registered right of common over that land and in relation to which the registered right of common of that other person is customarily exercised;
- (xvi) of pigs, cattle, or sheep to an artificial insemination centre, provided, in the case of sheep, that they have been isolated for the 20 days preceding the movement from all other animals on the premises of origin and any other premises linked to them in a sole occupancy group;
- (xvii) of pigs, sheep, goats, cattle or deer to a place for veterinary treatment provided (except in the case of pigs) that the animals will be isolated from all other animals there whilst the treatment is carried out;
- (xviii) of a bull or ram or a deer of either sex, otherwise than from a market, for breeding purposes, provided it is identified, marked or tagged—
 - (aa) in the case of a bull in accordance with the requirements of the Cattle Identification Regulations;
 - (bb) in the case of a ram with an individual identification number; or
 - (cc) in the case of a deer in accordance with the requirements of the Tuberculosis (Deer) Order 1989, and, in the case of a ram, has been isolated for the 20 days before the movement from all other animals on the premises of origin and any other premises linked to them in a sole occupancy group and provided further that immediately following the arrival of the bull, deer or ram at the premises to which it is moved, its owner or keeper signs a declaration that it is to be used for breeding purposes;
- (xix) of a goat of either sex, otherwise than from a market, for breeding purposes where the goat is identified with an individual identification number provided—
 - (aa) it has been isolated for the 20 days before the movement from all other animals on the premises of origin and any other premises in the same sole occupancy group; or
 - (bb) if it has been isolated on the premises of origin for less than that 20 day period, it is moving to other premises where it had previously been sent for breeding purposes and from which it was returned immediately prior to being so isolated, and provided further that a declaration is signed by its owner or keeper immediately following its arrival at the premises to which it is moved that the goat has been moved for breeding purposes;

(a) S.I. 2000/1673, as amended by S.I. 2000/2266, S.I. 2000/2524, S.I. 2000/2900 and 2000/3128.

- (xx) of sheep returning from premises to which they were moved solely for the purposes of taking part in a sheep dog trial there; or
- (xxi) of an animal being moved to a laboratory for diagnostic tests to be carried out to ascertain whether the animal is affected by or has been exposed to a disease; or
- (c) if a permit disapplying the standstill period has been issued by a veterinary inspector in relation to the movement.

(3) For the purposes of paragraph (1)(b) no account shall be taken of the movement on to the premises of origin or other premises in the same sole occupancy group of—

- (a) a pig—
 - (i) which is being returned to those premises from a place to which it had been moved for breeding, an artificial insemination centre or a place to which it had been moved for veterinary treatment provided it is isolated for 20 days after the date of its return from all other animals; or
 - (ii) where that movement is as referred to in article 8(3)(b) of the Pigs (Records, Identification and Movement) Order 1995;
- (b) an animal which is being moved to those premises direct from an exhibition or show provided that—
 - (i) the animal is isolated in accordance with the requirements of sub-paragraph (2)(b)(x)(bb); and
 - (ii) the attendance of the animal at that exhibition or show has been notified to the local authority;
- (c) a bull or a deer of either sex for breeding purposes, provided it has not come from a market, has been identified, marked or tagged—
 - (i) in the case of a bull in accordance with the requirements of the Cattle Identification Regulations; or
 - (ii) in the case of a deer in accordance with the requirements of the Tuberculosis (Deer) Order 1989,

and provided further that its owner or keeper signs a declaration immediately after its arrival that it has been moved for breeding purposes;

- (d) a ram for breeding purposes which has not come from a market provided—
 - (i) it has been identified with an individual identification number;
 - (ii) a declaration that it has been moved for breeding purposes is signed by its owner or keeper immediately after its arrival at those premises; and
 - (iii) either no animals have been moved on to the premises from which it has come or other premises linked with them in a sole occupancy group during the 20 day period preceding the day of the movement or the ram has been isolated during that period from all other animals on such premises;
- (e) a goat of either sex for breeding purposes which has not come from a market, which has been identified with an individual identification mark provided—
 - (i) no animals have been moved onto the premises from which it has come or other premises linked with them in a sole occupancy group during the 20 day period preceding the day of the movement;
 - (ii) the goat has been isolated throughout that period from all other animals on such premises; or
 - (iii) the goat has been isolated from all other animals on such premises since being returned there from the premises of origin less than 20 days previously following a previous attempt at breeding,

and provided further that its owner or keeper has signed a declaration immediately after its arrival at those premises that the goat has been so moved for breeding purposes;

- (f) a goat of either sex which is being returned to those premises from a place to which it had been moved for breeding purposes provided it is isolated from all other animals there for 20 days after the date of its return unless it is sent back to that place for a further attempt at breeding having been so isolated since the date of its return;

- (g) any sheep or cattle which are intended to be used for breeding purposes to be carried out before 1st February 2003 or the expiry of one month from the date of the movement, whichever is the later provided—
 - (i) the sheep or cattle are moved immediately on their arrival at those premises and without coming into contact with any other animals already there into an isolation facility in respect of which all the requirements specified in paragraph (9) are met or are capable of being met at the applicable time (a “breeding isolation facility”) and are kept in that breeding isolation facility either—
 - (aa) until the expiry of a period ending at the start of the 21st day after the day of their arrival; or
 - (bb) if any other animal, other than any from those premises or other premises in the same sole occupancy group with which any of the cattle or sheep are to breed, is moved into the facility during that period, for a period expiring 20 days after the day on which that other animal is moved into the facility;
 - (ii) during the entire period in which the sheep or cattle are kept in the breeding isolation facility pursuant to sub-paragraph (i) all the requirements specified in paragraph (9) are met or are observed at all applicable times;
 - (iii) the sheep or cattle are identified—
 - (aa) in the case of rams with an individual identification number [or S Mark];
 - (bb) in the case of ewes with an individual identification mark or a clearly visible paint mark of a colour and design of sufficient distinctness to enable them to be readily differentiated from all other sheep on the premises including any others already in the breeding isolation facility; and
 - (cc) in the case of cattle of either sex, in accordance with the requirements of the Cattle Identification Regulations;
 - (iv) a declaration is signed by or on behalf of their owner or keeper immediately after their arrival that they are to be kept solely for breeding purposes during the period before 1st February 2003 or the expiry of one month from the date of the movement, whichever is the sooner;
 - (v) any other animals which—
 - (aa) are being kept in the breeding isolation facility when the sheep or cattle arrive, whether this is pursuant to this provision or otherwise; or
 - (bb) which are moved into that facility from elsewhere on those premises on or after the arrival of the sheep or cattle,
 are also kept in the breeding isolation facility until the expiry of 20 days from the date of the arrival of the sheep or cattle, irrespective of whether any other period during which those other animals would otherwise be required to be kept in that facility would expire during those 20 days;
 - (vi) the cattle or sheep, together with any other animals referred to in paragraph (v)(aa), are inspected and, if necessary, examined for any signs of disease by a qualified veterinary surgeon during the period beginning with the fourteenth day after the day of their arrival and ending with the twentieth day thereafter;
 - (vii) the qualified veterinary surgeon who has carried out the inspection and examination referred to in sub-paragraph (vi) signs a declaration confirming he has carried out that inspection and examination;
 - (viii) no notice has been issued under paragraph (10) in respect of a facility intended to be used as a breeding isolation facility at those premises apart from any such notice which has been revoked under paragraph (11);
- (h) a ram or bull which has been returned unsold from a market to which it had been sent to be sold for breeding purposes provided—
 - (i) the ram or bull is moved immediately on its arrival at those premises and without coming into contact with any other animals already there into a breeding isolation facility and is kept in that breeding isolation facility either—
 - (aa) until the expiry of a period ending at the start of the 21st day following the day of its return; or
 - (bb) if any other animal, other than one from the same premises or other premises in the same sole occupancy group with which the ram or bull is to breed, is moved into those facility during that period, until the expiry of 20 days after the day that other animal is moved into the facility;

- (ii) during the entire period in which the ram or bull is kept in the breeding isolation facility pursuant to sub-paragraph (i) all the requirements specified in paragraph (9) are met or observed at all applicable times;
- (iii) the ram or bull is identified—
 - (aa) in the case of a ram with an individual identification number; and
 - (bb) in the case of a bull, in accordance with the requirements of the Cattle Identification Regulations;
- (iv) any other animal which—
 - (aa) is being kept in the breeding isolation facility when the ram or bull returns, whether this is pursuant to this provision or otherwise; or
 - (bb) which is moved into that facility from elsewhere on the same premises or other premises in the same sole occupancy group on or after the return of the ram or bull,

shall also remain in that facility until the expiry of 20 days from the date of the return of the ram or bull, irrespective of whether any other period during which that other animal would otherwise be required to be kept there would expire during those 20 days;
- (v) the ram or bull together with any other animal referred to in paragraph (iv)(aa) is inspected and, if necessary, examined for any signs of disease by a qualified veterinary surgeon during the period beginning with the fourteenth day after the day of its arrival and ending on the twentieth day thereafter;
- (vi) the qualified veterinary surgeon who has carried out the inspection and examination referred to in sub-paragraph (v) signs a declaration confirming that he has carried out that inspection and examination;
- (vii) no notice has been issued under paragraph (10) in respect of a facility intended to be used as a breeding isolation facility at those premises apart from any such notice which has been revoked under paragraph (11);
- (i) a sheep which is being returned to those premises from tack land provided the tack land has been managed separately from and had a different CPH number from the remainder of any premises of which it is a part during the period the sheep was there;
- (j) a calf less than 30 days old from the premises on which it was born or other premises in the same sole occupancy group, provided that the premises of origin are authorised to be used as a specialised calf rearing unit by a notice issued by a veterinary inspector or the Secretary of State;
- (k) an animal from either—
 - (i) its point of entry into the United Kingdom following its import from another Member State; or
 - (ii) the premises to which it has been moved from its point of entry into the United Kingdom;
- (l) an animal which is brought on to those premises in a vehicle provided that—
 - (i) the animal is not unloaded from that vehicle at those premises, and
 - (ii) such movement is carried out in accordance with the conditions of a licence issued under paragraph (1)(a);
- (m) a lamb or kid less than 7 days old in the circumstances described in paragraph (2)(b)(iv);
- (n) cattle which are being returned to those premises from an artificial insemination centre;
- (o) sheep which are being returned to those premises from an artificial insemination centre provided they have been at that centre for the preceding 20 days;
- (p) sheep, goats, cattle or deer being returned to those premises from a place for veterinary treatment or of any offspring to which they have given birth whilst at that place provided those animals and such offspring have been isolated from all other animals whilst there; or
- (q) an animal moved on to those premises for diagnostic tests to be carried out to ascertain whether it is affected by or has been exposed to disease.

(4) The requirement set out in paragraph (1)(a) above shall not apply in the case of any movement which is authorised under a licence issued under article 12 of the Pigs (Records, Identification and Movement) Order 1995.

(5) The requirements set out in paragraph (1) shall not apply in any case in respect of which a licence has been issued or granted after the coming into force of this Order under the Foot-and-Mouth Disease Order 1983 to authorise the movement of an animal to or from any premises.

(6) The requirements set out in paragraph (1) shall not apply to the movement of any animal to or from any zoo licensed under the Zoo Licensing Act 1981(a).

(7) Subject to paragraph (8) and except in the cases referred to in paragraph 2(b)(xvii) and sub-paragraphs (3)(g), (h) and (p), where any animal, other than a pig, is required to be isolated for any purpose under this article, this means isolated in isolation facilities, approved by notice by a veterinary inspector.

(8) No isolation facilities used for the purposes of sub-paragraphs (3)(g) or (h) may be used at the same time for isolating animals for any other purpose under this Order.

(9) For the purposes of paragraphs (10) and (11) and sub-paragraphs (3)(g) and (h), an isolation facility meets the requirements of this paragraph so as to be a “breeding isolation facility” provided—

- (a) all the requirements set out in Part I of the Schedule in relation to the facility are met or observed;
- (b) an inspection to ensure those requirements are met or can be observed at all applicable times has been carried out prior to the facility first being used for the purposes of sub-paragraphs (3)(g) or (h) by a qualified veterinary surgeon;
- (c) a report of that inspection in substantially the form set out in Part II of the Schedule has been completed and signed by the qualified veterinary surgeon who has carried out that inspection and by the person who will be the keeper of the animals to be kept in the facility and the report has been sent to the address indicated on that form;
- (d) the report referred to in sub-paragraph (c) does not indicate that the requirements set out in Part I of the Schedule are not met or will not be capable of being observed at all applicable times; and
- (e) every request by an inspector at any reasonable time—
 - (i) to enter the facility and any other part of the premises where the facility is located (other than any domestic dwelling)—
 - (aa) to ascertain whether the requirements specified in this paragraph or sub-paragraphs (3)(g) or (h) are or are capable of being met and observed at all applicable times; or
 - (bb) to inspect the animals in the facility or to examine them for signs of disease; or
 - (ii) to examine movement or identification records or the declarations referred to at paragraphs (3)(g)(vii) and (3)(h)(vi) for any of the animals contained in the facility,

has been complied with in full and all necessary co-operation afforded to the inspector in carrying out such actions.

(10) If a veterinary inspector is of the opinion that a facility intended to be used as a breeding isolation facility does not meet the requirements of Part I of the Schedule, he shall serve a notice in writing on the occupier of the premises where the facility is located and on the owners or keepers of all animals on those premises specifying the respects in which those requirements are not met and the steps, if any, that should be taken in order for them to be met.

(a) 1981 c. 37.

(11) A notice issued under paragraph (10) may be varied or revoked at any time by a further notice in writing issued by a veterinary inspector or other officer of the Secretary of State served on the persons on whom the first notice was served.

(12) Where a licence has been issued or granted by the Secretary of State, an inspector, the Scottish Ministers or the National Assembly for Wales^(a) under an order made under section 8 of the Act to authorise the movement of any animal from premises situated in Wales or in Scotland to premises situated in England or to premises situated in Scotland or Wales through any part of England, such provisions of that licence as are relevant shall apply in relation to that part of the movement which takes place in England as if that licence were a licence issued under paragraph (1)(a) and the provisions of this Order shall apply accordingly.

(13) Where a licence such as is referred to in paragraph (12) authorises movements of any kind between premises under the same management or control then, without prejudice to the provisions of that paragraph, it shall have effect as if it were also an authority issued for the purposes of making the premises a sole occupancy group under this Order and the provisions of this Order shall apply in respect of it accordingly.

Restrictions on movements to slaughterhouses

4.—No person shall—

- (a) move any animal to a slaughterhouse save for the purpose of slaughter within 48 hours of its arrival there; or
- (b) receive any animal from a slaughterhouse unless, in the case of any animal other than a pig, under the authority of a licence issued by a veterinary inspector.

Hunting

5.—(1) Subject to the following provisions of this article, no person may take part in hunting.

(2) Nothing in paragraph (1) shall make it unlawful for—

- (a) the occupier of any land or any group of not more than three persons who are authorised by the occupier or are members of his household to use any dog in connection with the killing on that land of any fox, hare, mink, or rabbit found thereon provided that this shall not be taken to authorise the pursuit of any such quarry using dogs outside the boundaries of that land; or
- (b) a person to take part in hunting under the authority of a permit granted by a veterinary inspector and subject to any conditions that may be specified therein.

(3) Paragraph (1) shall not apply to any person who takes part in hunting under the authority and in accordance with the conditions of a permit issued after the coming into force of this Order under article 36(2)(d) of the Foot-and-Mouth Disease Order 1983 but if such a permit shall cease to be valid by reason of the revocation of a controlled area order it shall instead continue to have effect as if it were a permit issued under paragraph (2)(b).

(4) In deciding whether to issue a permit under paragraph (2)(b) a veterinary inspector shall comply with any instructions which may have been issued by the Secretary of State in relation to the issue of such permits.

(5) Subject to paragraph (6), where a permit is issued under paragraph (2)(b) as a general permit a veterinary inspector may by notice prohibit any person from taking part in or organising hunting under the authority of that permit.

(6) A veterinary inspector may only issue a notice under paragraph (5) if he is of the opinion that—

- (a) the provisions of this Order or of the aforesaid general permit are or have not been complied with by the person on whom the notice is served or by persons taking part in any hunt which he has organised; and
- (b) the service of such a notice is necessary to prevent a possible spread of disease.

^(a) The National Assembly for Wales was established by section 1 of the Government of Wales Act 1998 (1998 c. 38).

Licences, authorities, permits and notices

6.—(1) Subject to paragraph (8), any licence, authority, permit or notice issued or served under this Order shall be in writing, may be general or specific, shall be subject to such conditions as are specified in it and may be varied, suspended or revoked at any time by notice in writing issued—

- (a) by the Secretary of State, in the case of a licence, authority, permit or notice issued by the Secretary of State or an inspector of any kind;
- (b) by a veterinary inspector, in the case of a licence, authority, permit or notice issued by a veterinary inspector or any other inspector of the Secretary of State;
- (c) by an inspector of the Secretary of State (other than a veterinary inspector), in the case of a licence, authority or notice issued by any such inspector; or
- (d) by an inspector of a local authority, in the case of a licence, authority or notice issued by an inspector of that local authority.

(2) A notice issued under paragraph (1) above shall—

- (a) be served, if the licence, authority, permit or notice to be varied, suspended or revoked is specific, on the person to or on whom that licence, authority, permit or notice was issued or served; or
- (b) be served or published, if the licence, authority, permit or notice to be varied, suspended or revoked is general, in such manner as the Secretary of State or, as the case may be, the veterinary inspector or other inspector may reasonably consider most appropriate to bring it to the attention of those affected by it.

(3) In deciding whether to issue a licence under article 3(1)(a), a notice under article 3(2)(b)(xi), 3(3)(h) or 3(7) or a permit under article 3(2)(c) or 5(2)(b), an inspector, or as the case may be, a veterinary inspector, shall comply with any instructions which may have been issued by the Secretary of State in relation to any such licences, notices or permits.

(4) A licence issued under article 3(1)(a), an authority issued for the purpose of making two or more premises a sole occupancy group under article 3(2)(b)(vi), or a permit issued under article 3(2)(c) may specify requirements for the cleansing and disinfection of any vehicle used for moving animals additional to the requirements in relation thereto set out in the Transport of Animals (Cleansing and Disinfection) (England) (No.2) Order 2000(a) and the person responsible for moving the animals shall ensure, except where the licence, authority or permit provides otherwise, that all such requirements are met as soon as possible after the animals have been unloaded and, in any case, before the vehicle is moved from the premises to which the animals have been moved.

(5) Subject to paragraph (6), where a general licence has been issued under article 3(1)(a) above, the Secretary of State may issue a notice prohibiting—

- (a) the movement under the authority of that licence of any animal from any premises specified in the notice; or
- (b) any person from moving animals under the authority of that licence either generally or to or from any premises specified in the notice.

(6) No notice may be issued under paragraph (5) other than on the advice of an inspector who shall be of the opinion that—

- (a) the provisions of this Order or of the aforesaid general licence are not or have not been complied with in relation to animals moved to or from the premises in question or in relation to the movement of any other animals of which the person on whom the notice is to be served is or has at any time been the keeper; and
- (b) the service of a notice is necessary to prevent a possible spread of disease.

(7) A notice issued under paragraph (5)(a) shall be served on the occupiers of each of the premises specified in the notice and a notice issued under paragraph (5)(b) shall be served on the person prohibited from moving animals thereunder and on the occupiers of any premises individually named on the notice.

(8) Paragraph (1) shall not apply in the case of a notice issued under article 3(10).

(a) S.I. 2000/1618.

Change of occupation of premises affected by the provisions of this Order

7.—(1) Where, on the termination of his right of occupation of any premises, the owner of any animal on those premises is unable to remove it therefrom by reason of any restriction imposed by or under the foregoing provisions of this Order, the person entitled to the occupation of those premises on such termination shall—

- (a) afford the owner of that animal and any person authorised by him for the purpose, all such facilities as may be necessary for feeding, tending or otherwise using that animal (including selling it) as the owner may reasonably require; or
- (b) where the owner of that animal is unable or unwilling to avail himself of such facilities, take all such steps as may be necessary to ensure that the animal is properly fed, tended and kept.

(2) The provisions of paragraph (1) shall continue to apply until the expiration of a period of 7 days from the date on which any restriction on the movement of the animal off the premises ceases to apply and the owner of the animal shall be liable to pay to the person who affords any facilities or feeds, tends or otherwise keeps that animal, in accordance with those provisions, such sums by way of remuneration and reimbursement of expenses as may be just and reasonable in all the circumstances.

General provisions as to licences

8.—(1) Subject to paragraph (4), every animal which is moved under the authority of a licence granted under this Order shall—

- (a) be kept separate throughout such movement from any animal which is not being moved under the authority of that licence;
- (b) be moved by the most direct route available to the place of destination specified in the licence only, and to no other place, and
- (c) be accompanied throughout the movement by the licence.

(2) The person in charge of any animal to which a licence issued under this Order relates shall, on demand made by a constable or by an inspector or other officer of the Secretary of State or of a local authority, produce the licence, and allow a copy thereof or an extract therefrom to be taken, and shall also, if so required, furnish his name and address.

(3) Subject to paragraph (4) and the provisions of any licence issued under this Order imposing a contrary requirement on the person moving the animals, the occupier of premises to which animals are moved under that licence shall—

- (a) ensure that he or his representative is given the licence under which they have been moved before allowing the animals to be unloaded from the vehicle on which they have been transported;
- (b) forward that licence without delay to the local authority responsible for the area in which those premises are situated and, in the case of a slaughterhouse, provide a copy to the official veterinary surgeon appointed for those premises;
- (c) retain a copy of that licence for a period of 6 months and produce it upon request for inspection by an inspector; and
- (d) provide adequate facilities, equipment and materials for any cleansing and disinfection required by a licence under this Order.

(4) The provisions of paragraphs (1)(b) and (c), (2) (insofar as it relates to the production and copying of a licence) and (3)(a) to (c) shall not apply in any case where animals are moved under a general licence.

(5) Where an inspector of a local authority issues a licence under article 3(1)(a), he shall retain a copy of the licence for six months.

Powers of officers of the Secretary of State and inspectors of local authorities in case of default

9.—(1) If any person to whom a licence, authority, permit or notice issued or served under this Order applies fails to comply with the requirements of that licence, authority, permit or notice, an officer of the Secretary of State or an inspector of a local authority may, without prejudice to any proceedings for an offence arising out of such default, take all steps as may be necessary to ensure that the requirements of the licence, authority, permit or notice are complied with and in default of such compliance the officer or inspector will cause them to be carried out.

(2) The amount of any expenses reasonably incurred by an officer of the Secretary of State or by an inspector of a local authority in the exercise of any power conferred by paragraph (1) shall be recoverable on demand as a civil debt by the Secretary of State or by the local authority, as the case may be, from the person in default.

Offences

10.—(1) Subject to paragraph (2), it shall be an offence under the Act for any person without legal authority or excuse, proof of which shall lie on him, to—

- (a) contravene any provision of this Order or any provision of a licence, authority, permit or notice issued or served under it; or
- (b) cause or permit any such contravention or non compliance.

(2) Paragraph (1) shall not apply to a notice issued under article 3(10).

Local authority to enforce Order

11.—(1) Subject to paragraph (2) the provisions of this Order shall be executed and enforced by the local authority.

(2) The Secretary of State may direct, in relation to cases of a particular description, or in relation to a particular case, either that this Order shall be executed and enforced by her and not by the local authority or that this Order shall be executed and enforced jointly by her and by the local authority.

Revocation of the Disease Control (Interim Measures) (England) Order 2002

12.—The Disease Control (Interim Measures) (England) Order 2002(a) is revoked.

Amendment of the Animal Gatherings (Interim Measures) (England) Order 2002

13.—In article 1, paragraph (2) of the Animal Gatherings (Interim Measures) (England) Order 2002(b), for the words “1st December 2002”, there shall be substituted the words “1st February 2003”.

Signed at: 5.00 p.m.

On: 16 August 2002

Elliot Morley
Parliamentary Under-Secretary of State
Department for Environment, Food and Rural Affairs

(a) S.I. 2002/242 as amended by S.I. 2002/907, S.I. 2002/1348 and S.I. 2002/1764.
(b) S.I. 2002/202 as amended by S.I. 2002/1328 and S.I. 2002/1765.

PART I

Requirements to be met by a breeding isolation facility

1. The isolation facility shall be used solely for the purpose of isolating the animals therein from all other animals on the premises where it is located.
2. The isolation facility must be designed so as to ensure physical separation at all times between the animals being kept therein and any other animals on the premises or any other adjoining premises and in particular must consist of—
 - (a) a separate building used solely for the purposes of isolating animals from any other animals also kept on the premises;
 - (b) part of a building used solely for such purposes and divided from floor to ceiling from any other part of the building by a solid partition or an adequate temporary structure (which subject to paragraph 3 may be comprised of bales of straw) designed in each case to ensure that—
 - (i) there is no appreciable flow of air between the breeding isolation facility and any other part of the building; and
 - (ii) there is no possibility of seepage of any effluent, manure or other discharge through or under the partition or other temporary structure; or
 - (c) a separate pasture surrounded by a secure stockproof fence (which may include electrified fencing) or other barrier at least 50 metres in distance from any other pasture or building where animals are grazed or kept with further secure stockproof fences or other barriers being erected elsewhere on the premises where this is necessary to prevent those other animals coming within 50 metres of the isolation facility.
3. Where a temporary structure comprised of bales of straw is used to partition part of a building used for an isolation facility from any other part of the building not being so used, the partition shall be of at least one metre in thickness.
4. Where a building or part of a building is used for the isolation facility, no animal not being kept in the facility shall be permitted at any time to come within 5 metres of any door or other access to the facility.
5. All doors providing access to any building or part of a building used for the isolation facility shall be kept closed at all times except when being used by persons to enter or leave the facility or when animals are being moved into or out of the facility.
6. The floors and walls of any building or part of a building used for the isolation facility shall be complete and in a sufficiently good condition to be capable of being thoroughly cleansed and disinfected and they shall at all times be kept and maintained in such a condition.
7. Where a building or part of a building is used for the isolation facility then either—
 - (a) the building shall be so designed and maintained as to ensure that any effluent, manure or other discharges from the animals housed therein can either be retained in the building until after all animals have been removed from the facility; or
 - (b) adequate arrangements shall be made to ensure that any such discharges at no point come into contact with any animal not being housed in the facility.
8. The isolation facility shall be provided with a dedicated loading and unloading facility which shall be thoroughly cleansed and disinfected using an approved disinfectant after every use.
9. The occupier of the premises in which the isolation facility is located shall ensure that—
 - (a) overall clothing and footwear is provided for the use of anyone working in the facility and for any other persons entering the facility; and
 - (b) such clothing is thoroughly laundered before being allowed to come into contact with any animals not in the facility or being used anywhere other than in the facility and such footwear is thoroughly disinfected by any person wearing it on leaving the facility.
10. The occupier of the premises in which the isolation facility is located shall—
 - (a) maintain—
 - (i) a footbath containing an approved disinfectant; and
 - (ii) handwashing facilities,at convenient places at every entrance to and exit from the facility and shall renew the disinfectant in the footbath daily or more frequently as necessary to maintain a clean solution; and
 - (b) ensure that the footbath and handwashing facilities are used by all persons on entering and leaving the facility.

11. Any straw bales used as partitions in the isolation facility and any unused feeding stuffs, fodder or bedding in place there when any batch of animals enter the facility may not be removed from the facility until that batch of animals has left the facility.

12. No pens, hurdles or other equipment in place when any batch of animals enter the isolation facility may be removed from the facility until that batch has left the facility unless they are first thoroughly cleansed and disinfected.

13. Before any vehicle which has been used for any purpose in the isolation facility is moved out of the facility, it shall be thoroughly cleansed and disinfected in accordance with the requirements of schedule 1 to the Transport of Animals (Cleansing and Disinfection) (England) (No.2) Order 2000(a) and in addition, at the exit to the facility, the whole circumference of the tyres of any such vehicle (including their treads) together with its wheel arches, mudguards, and mudflaps shall be cleansed and disinfected.

14. Sufficient facilities are available either within or immediately outside the isolation facility for animals to be inspected or examined pursuant to the requirements of paragraphs (3)(g)(vi) or (3)(h)(v) of article 3 without those animals coming within 5 metres of any other animals not being kept in the isolation facility.

15. The occupier of the premises on which the isolation facility is situated shall ensure that a written record is maintained and made available on demand to an inspector showing the dates of all movements of animals into and out of the isolation facility together with details of—

- (a) the S Mark or individual identification numbers of any rams so moved;
- (b) the S Mark or individual identification numbers, if any, of any ewes so moved, or, if no S tag or individual identification number has been applied to any ewe details of the paint mark applied to it pursuant to article 3(3)(g)(iii)(bb);
- (c) any other identification marking or tag applied to any sheep pursuant to the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002;
- (d) details of any markings or tags applied to any cattle so moved in accordance with the Cattle Identification Regulations; and
- (e) details of the lot numbers of any animals bought at a market.

16. No animal may be moved out of the isolation facility during the period in which it is required to be kept there pursuant to sub-paragraphs (3)(g) or (h) of article 3 unless—

- (a) it is being moved, in accordance with a licence issued by a veterinary inspector, to another isolation facility on the same premises in respect of which all the requirements specified in article 3(8) are met and observed;
- (b) it is a lactating cow which it is not reasonably practicable to milk in the isolation facility and which is being moved to a milking parlour to be milked in accordance with the conditions set out in paragraph 17; or
- (c) this is for the purposes of inspection or examination pursuant to paragraphs (3)(g)(vi) or (3)(h)(v) of article 3 and no animal not being kept in the isolation facility is allowed to come within 5 metres of the animal being so inspected or examined.

17. The conditions referred to in paragraph 16(b) are that—

- (a) any cow being brought to the milking parlour from the isolation facility must be brought there after the milking session for cows not from the facility has been completed and after those other cows have been returned to their accommodation or pasture;
- (b) at all times a separation distance of 5 metres is maintained between the cow from the isolation facility and any other animal not being kept in that facility;
- (c) the milking parlour and any yard or collecting area used in connection with it must be thoroughly washed down after the cow from the isolation facility has returned there and before any other animals are allowed to enter any such parlour, yard or collecting area;
- (d) immediately after use by the cow from the isolation facility and before being used for any cow not from that facility any utensils used for milking, any mechanical milking equipment and any containers which come into contact with milk shall be cleaned and rinsed with potable water; and
- (e) any cow brought to the milking parlour from the facility for milking must be returned to the facility immediately after milking has been completed.

(a) S.I. 2000/1618.

Part II

**FORM OF QUALIFIED VETERINARY SURGEON'S INSPECTION
REPORT IN RELATION TO A BREEDING ISOLATION FACILITY**

Disease Control (Interim Measures) (England) (No.2) Order 2002

**Report by a qualified veterinary surgeon on an on farm isolation facility
intended for use by breeding sheep and breeding cattle**

| | | |
|---------------------------------------|--|--|
| P A R T A | This report is for: (tick as appropriate) | An outdoor isolation facility (i.e. field or group of fields) <input type="checkbox"/> |
| | | An indoor isolation facility (i.e. building(s) or part of a building) <input type="checkbox"/> |
| | | For breeding sheep <input type="checkbox"/> |
| | | For breeding cattle <input type="checkbox"/> |
| | CPH: □□ / □□□□ / □□□□ | Full address (where isolation facility is located): |
| | Contact name at address: | Postcode: □□□□ □□□□ |
| | | Phone no. (of contact): □□□□ □□□□ □□□□ □□□□ |

| | | | | |
|--|--|---|--|--------------------------|
| P A R T B . 1 : o u t d o o r | Number of fields in isolation facility: | | [NOW MAKE A SKETCH OF THE FACILITY & SURROUNDING AREA IN THE SPACE OVERLEAF] | <input type="checkbox"/> |
| | <i>Tick boxes only if conditions were verified during inspection</i> | The field(s) of the isolation facility are physically separate from fields and buildings used for other livestock | | <input type="checkbox"/> |
| | | The perimeter of the isolation facility has secure stock-proof fencing | | <input type="checkbox"/> |
| | | There is stock-proof fencing to prevent other livestock from coming within 50m of the perimeter of the isolation facility | | <input type="checkbox"/> |
| | | The isolation facility has a dedicated loading/off-loading facility | | <input type="checkbox"/> |
| | | All entrances to and exits from the isolation facility have disinfectant footbaths and hand washing facilities | | <input type="checkbox"/> |

| | | | | |
|--|--|---|---|--------------------------|
| P A R T B : 2 : i n d o o r | Number of buildings in isolation facility: | | [NOW MAKE A SKETCH OF THE FACILITY & SURROUNDING AREA IN THE SPACE OVERLEAF] | <input type="checkbox"/> |
| | <i>Tick boxes only if conditions were verified during inspection</i> | The isolation facility is physically separate from other areas used for livestock | | <input type="checkbox"/> |
| | | The isolation facility has a dedicated loading/off-loading facility | | <input type="checkbox"/> |
| | | The floors and walls of the isolation facility are complete and in good condition so that they are capable of being cleaned and disinfected | | <input type="checkbox"/> |
| | | The building is designed so that any discharges from the facility are retained there or disposed of so that they cannot come into contact with other livestock. | | <input type="checkbox"/> |
| | | All entrances to and exits from the isolation facility have disinfectant footbaths and hand washing facilities | | <input type="checkbox"/> |

| | | | |
|---------------------------------------|--|---|--|
| P A R T C | Veterinary surgeon's declaration: | I inspected the <input type="checkbox"/> indoor / <input type="checkbox"/> outdoor isolation facility above | |
| | | and shown on the attached sketch | <input type="text"/> / <input type="text"/> / <input type="text"/> |
| | | on | <input type="text"/> and have verified that the facility |
| | | complies with the conditions for on farm isolation of breeding sheep and cattle. I have supplied the keeper | |
| | | described on this form with a copy of the <input type="checkbox"/> and have read them to the keeper. conditions | |
| | Veterinary Surgeon's name: <i>(please print clearly)</i> | <input type="text"/> | Signature: <input type="text"/> |
| | Date: <input type="text"/> / <input type="text"/> / <input type="text"/> | Telephone no.: | <input type="text"/> |
| | Stamp of veterinary practice: | <input type="text"/> | |

| | | | | |
|---------------------------------------|------------------------------|--|----------------------|---------------------------------|
| P A R T D | Keeper's declaration: | I have read (or had read to me) and understood the conditions for | | |
| | | on farm isolation of breeding sheep and cattle. I declare that the isolation facilities described above and on | | |
| | | the attached sketch map will be managed by me in accordance with the conditions. | | |
| | | Keeper's name: <i>(please print clearly)</i> | <input type="text"/> | Signature: <input type="text"/> |
| | | Date: <input type="text"/> / <input type="text"/> / <input type="text"/> | Telephone no.: | <input type="text"/> |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies to England only revokes and replaces (with amendments) the Disease Control (Interim Measures)(England) Order 2002 (S.I. 2002/242, as amended by S.I. 2002/907, S.I. 2002/1348 and S.I. 2002/1764) (the “DC Order”).

The Order comes into force on 6th September 2002 and will cease to have effect on 1st February 2003. (The DC Order if it had been revoked would have ceased to have effect on 1st December 2002). The Order like the DC Order provides for temporary disease control measures. It provides for movement restrictions on animals (articles 3 and 4) and in particular—

- (a) provides that it shall be unlawful to move any animal unless under the authority of a licence issued by the Secretary of State or an inspector appointed for the purposes of the Animal Health Act 1981 (1981 c.22) (article 3(1)(a)); and
- (b) imposes a 20 day standstill period (the “standstill requirement”) following the movement of animals on to premises during which no animal may be moved off those premises, subject to exemptions in respect of various specified movements (article 3(2) and(3)).

The principal amendment brought in by the Order is in the introduction of additional exemptions (at article 3(3)(g) and (h)) in relation to the standstill requirement whereby—

- (a) movements of cattle and sheep intended for breeding before the later of 1st February 2003 or three months after their arrival on any premises; and
- (b) the return from market to any premises of unsold breeding rams,

will not give rise to a standstill requirement on the premises onto which they are moved provided certain conditions are met. The main condition is that the breeding cattle or sheep or unsold breeding rams are placed in an isolation facility (a “breeding isolation facility”) immediately on their arrival and that they are kept there, together with any other animals already in that isolation facility and any animals brought into it from elsewhere on the premises, until the start of the 21st day after the day of their arrival.

Detailed requirements to be met and observed in relation to the breeding isolation facility in order for the new standstill exemption to be available are set out in article 3(9) and Part I of the Schedule. In addition, before the breeding isolation facility can be used for the purposes of the new exemption, it must have been inspected by a qualified veterinary surgeon who is required to complete a report on his inspection substantially in the form set out in Part II of the Schedule and send it to the Department for Environment, Food and Rural Affairs at the address shown on the form (article 3(9)(b) and (c)). The animals in the breeding isolation facility are also required to be inspected by a qualified veterinary surgeon during the period starting with the 14th day and ending with the 20th day after the day of the animals arriving on the premises and the facility is also required to be inspected by the veterinary surgeon during the same period.

The Order also continues to:

- (i) prohibit the movement of animals to a slaughterhouse except where this is for the purpose of their being slaughtered within 48 hours of their arrival there (article 4);
- (ii) provide a permit system for hunting with dogs (article 5);
- (iii) set out general provisions in relation to licences, authorities, permits and notices issued under the Order (articles 6 and 8);
- (iv) set out arrangements in relation to changes of occupation of premises (article 7);
- (v) set out powers of the Secretary of State and local authority inspectors (article 9);
- (vi) declare certain contraventions to be offences under the Animal Health Act (article 10); and
- (vii) provide for enforcement of the Order (article 12).

The Order also (at article 13) amends the Animal Gatherings (Interim Measures) (England) Order 2002 (S.I. 2002/1765, as amended by S.I. 2002/1328 and S.I. 2002/1765) by changing the date on which that order will cease to have effect from 1st December 2002 to 1st February 2003.

A regulatory impact assessment has not been prepared for this Order.

2002 No. 2152

ANIMALS, ENGLAND
ANIMAL HEALTH

**The Disease Control (Interim Measures) (England) (No.2)
Order 2002**

£4.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1363 9/2002 121363 19585

ISBN 0-11-042803-X



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