

S.I. No. 412/2004 — Foot-And-Mouth Disease Order 1956 (Amendment) Order 2004

Statutory Instruments

S.I. No.412 of 2004

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FOOT-AND-MOUTH DISEASE ORDER 1956 (AMENDMENT) ORDER 2004

I JOE WALSH Minister for Agriculture and Food in exercise of the powers conferred on me by Section 3 of the Diseases of Animals Act 1966 (No. 6 of 1966) (as adapted by the Agriculture Food and Rural Development (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 306 of 2002)), for the purpose of giving further effect to Council Directive 2003/85/EC of 29 September 2003¹, hereby order as follows: —

1. This Order may be cited as the Foot-and-Mouth Disease Order 1956 (Amendment) Order 2004 and comes into operation on 1 July 2004.
2. The Foot and Mouth Disease Order 1956 (S.I. No. 324 of 1956) is amended —
 - (a) in Article 2(1) —

(i) by the substitution, for the definition of “approved disinfectant”, of-

“ ‘approved disinfectant’ means a disinfectant approved under the Diseases of Animals (Disinfectants) Order, 1975 (S.I. No. 273 of 1975) and the Diseases of Animals (Disinfectants) Order 1975 (Amendment) Order, 1978 (S.I. No. 345 of 1978);”

(ii) by the insertion, after the definition of “the Minister” of—

“ ‘product of animal origin’ means any thing totally or in part derived from an animal, whether cooked or uncooked, processed or unprocessed, other than ready to-wear-items of clothing, fullyprocessed confectionery

(including bread), alcoholic drinks, wool and cosmetics or finished household items;”,

(b) in Article 30, by the substitution for paragraphs (1) and (2), of —

- “30. (1) No animal, carcase, farm produce, skim milk, separated milk, whey, dung or any other products of animal origin shall be moved out of an infected area unless accompanied by and in accordance with a licence.
- (2) Milk, including skim-milk, separated milk, buttermilk, cream and any other products of animal origin, shall not be removed from an infected area except in accordance with a licence.”,

(c) in Article 32, by the substitution for paragraph (1), of —

- “32. (1) An animal, carcase or product of animal origin shall not be moved by road, rail or water within an infected area unless accompanied by and in accordance with a licence.”,

(d) by the deletion of Article 32 (7) (inserted by the Foot and Mouth Disease Order 1956 (Amendment) Order 1968 (S.I. 69 of 1968)),

(e) in Article 33, by the substitution for paragraphs (1) and (2), of —

- “33. (1) Where, in the opinion of a veterinary inspector, it is necessary for preventing the spread of foot-and-mouth disease that a creamery, slaughterhouse or premises where products of animal origin are processed should be closed or its operations restricted, such veterinary inspector, if authorised by the Minister so to do, may by a notice in writing or by the most efficient means available to the manager or person in charge of the creamery, slaughterhouse or premises where products of animal origin are processed in any area require the creamery or premises to be closed or the operations of the creamery, slaughterhouse or premises where products of animal origin are processed to be restricted, and thereupon —

- (a) if the notice requires the premises to be closed, such premises shall be closed, or
- (b) if the notice requires the operations to be restricted, such operations shall be restricted

until the notice is withdrawn by another notice issued by a veterinary inspector.

- (2) the manager or person in charge of the creamery, slaughterhouse or premises where products of animal origin are processed shall comply with any directions issued by the Minister in regard to such creamery, slaughterhouse or premises where products of animal origin are processed for the purpose of preventing the spread of foot-and-mouth disease.”,

(f) In Article 35, by the substitution for paragraph (1), of —

- “35. (1) Unless otherwise provided for by the Minister nothing in Articles 30, 31 or 32 of this Order shall prevent the movement of animals, carcasses, farm produce or products of animal origin direct by railway through an infected area from a place outside the infected area to another place outside the infected area if the animals, carcasses or products of animal origin or farm produce are not untrucked or unloaded within the infected area.”,

(g) In Article 43, by the substitution for paragraph (8), of —

- “(8) Milk, including skim-milk, separated milk, buttermilk, cream and products of animal origin shall not be moved from a controlled area except in accordance with a licence.”, and

(h) In the First Schedule, by the substitution for paragraph (7), of—

- “7. Milk, including skim milk, separated milk, buttermilk, cream and any other product of animal origin shall not be moved out of an infected place.”.

3. The Foot and Mouth Disease Order 1956 (Amendment) Order 1967 (S.I. No. 297 of 1967) and the Foot and Mouth Disease Order 1956 (Amendment) Order 1968 (S.I. No. 69 of 1968) are revoked.

GIVEN under my Official Seal,

30 June 2004.

JOE WALSH,

Minister for Agriculture and Food.

Explanatory Note

(This note is not part of the Instrument and does not purport to be a legal interpretation)

This Order augments the powers of the Minister for Agriculture and Food to control the

movement of animal based products and to restrict the operations of premises engaged in the processing of such products in the event of an outbreak of Foot and Mouth Disease.

¹ O.J. No. L 306 of 22.11.2003, p.1.

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