

1974 No. 2212

ANIMALS

DISEASES OF ANIMALS

The Rabies (Control) Order 1974

Made - - - - 31st December 1974

Coming into Operation 5th February 1975

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred by sections 1, 8(3), 10, 11, 17(2), 20, 77(3), 84(3)(a) and 85(1) of the Diseases of Animals Act 1950(a), as extended in the case of the said section 10 by sections 1 and 2 of the Rabies Act 1974(b), and now vested in them (c), and of all their other enabling powers, hereby order as follows:—

Citation, extent and commencement

1. This order, which may be cited as the Rabies (Control) Order 1974, shall apply throughout Great Britain, and shall come into operation on 5th February 1975.

Interpretation

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

“the Act” means the Diseases of Animals Act 1950, as amended and extended by the Rabies Act 1974;

“animal” means an animal (other than man) belonging to any of the orders of mammals specified in Schedule 1 to this order;

“cat” means an animal belonging to the species *Felis catus* of the order of mammals *Carnivora*;

“Divisional Veterinary Officer” means the veterinary inspector appointed for the time being by the Minister to receive information about animals and carcases affected or suspected of being affected with specified diseases for the area in which the animal or carcase is;

“dog” means an animal belonging to the species *Canis familiaris* of the order of mammals *Carnivora*;

“infected area” means an area which is declared to be an infected area for purposes connected with the control and eradication of rabies by an order of the Minister to which Article 9 of this order relates;

(a) 1950 c. 36.

(b) 1974 c. 17.

(c) By the Transfer of Functions (Animal Health) Order 1955 (S.I. 1955/958; 1955 I, p. 1184).

“infected area order” means an order for the purposes of section 10 of the Act made by the Minister under Article 9 of this order;

“infected place” means a place which is declared to be an infected place by a notice served under Article 5 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 inspector of the Ministry, includes a veterinary inspector;

“licence” means a licence granted under this order, and includes any permit, approval or other form of authorisation;

“the Minister” and “the Ministry” mean respectively the Minister and Ministry of Agriculture, Fisheries and Food;

“officer of the Ministry” includes, in the application of this order to Scotland, an officer of the Secretary of State;

“premises” includes land, with or without buildings, and where a person occupies land which comprises two or more non-adjacent areas, each of those areas shall be deemed to be separate premises for the purposes of this order;

“veterinary inspector” means a veterinary inspector appointed by the Minister.

(2) The Interpretation Act 1889(a) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament, and as if this order and the Rabies Order of 1938(b) which is revoked by this order were Acts of Parliament.

Extension of the definition of “disease” for the purposes of the Act

3. For the purposes of the Act, the definition of the expression “disease” in section 84(3)(a) thereof is hereby extended so as to comprise rabies, and section 17 of the Act (which enables the Minister to slaughter animals on account of disease on payment of compensation) shall apply to that disease.

Notice of rabies or suspected rabies

4.—(1) Subject to paragraph (4) below, a person who knows or suspects that an animal (whether in captivity or not) is affected with rabies, or was at the time of its death so affected, shall with all practicable speed give notice of that fact to an inspector or to a police constable, unless he believes on reasonable grounds that another person has given notice under this paragraph in respect of that animal.

(2) Without prejudice to paragraph (1) above, a person who knows or suspects that an animal in his possession or under his charge is, or was at the time of its death, affected with rabies shall, as far as practicable, keep that animal or, as the case may be, the carcase of that animal separate from any other animal.

(3) Where notice under paragraph (1) above is given to a police constable or to an inspector of the local authority, he shall immediately transmit the information received by him by the most expeditious means—

(a) in the case of a police constable, to the Divisional Veterinary Officer and to an inspector of the local authority; and

(a) 1889 c. 63.

(b) S.R. & O. 1938/202 (Rev. II, p. 578: 1938 I, p. 206).

(b) in the case of an inspector of the local authority, to the Divisional Veterinary Officer.

(4) Paragraphs (1) and (2) above shall not apply in such cases as may be prescribed by an order made under section 1 of the Act for the purpose of regulating the keeping, importation or use of rabies virus.

Declaration of infected place

5.—(1) Where an inspector receives information under Article 4 above concerning the existence at any premises of an animal affected with or suspected of being affected with rabies, or of the death of any such animal at any such premises, or where, through any other cause, he has reasonable grounds for suspecting that rabies exists or has within the preceding 56 days existed at any premises, or that there is an animal thereat which has been or which may have been exposed to the infection of rabies, he may cause a notice in the form set out in Schedule 2 to this order to be served on the occupier of the said premises.

(2) On service of such a notice the premises, within the limits specified in the notice, shall become an infected place, and such place, and any person from time to time therein, shall be subject to—

(a) the rules prescribed in Article 7 below, and

(b) any additional rules which may be specified in a further notice, in so far as such rules are from time to time in force.

(3) A veterinary inspector may from time to time, by service of a further notice in writing on the occupier of the infected place, direct all or any of the following things, namely—

(a) that the limits of the infected place shall be altered in the manner described in the notice;

(b) that any of the rules prescribed by Article 7 below or by a previous notice served in accordance with this paragraph shall cease to apply to the infected place, or to persons therein, or shall be varied or modified to the extent or in the manner specified in the notice; or

(c) that such additional rules as may be specified in the notice shall apply to the infected place, or to persons from time to time therein.

(4) The restrictions imposed by a notice or notices served under the foregoing provisions of this Article shall remain in force until varied or cancelled by a written notice to that effect served by a veterinary inspector on the occupier of the infected place.

(5) An inspector shall with all practicable speed send copies of any notice served by him under this Article to the Secretary, Ministry of Agriculture, Fisheries and Food, Hook Rise South, Tolworth, Surrey, KT6 7NF, to the Divisional Veterinary Officer, to the local authority and to the police officer in charge of the nearest police station to the infected place.

Veterinary inquiry as to the existence of rabies

6.—(1) Where by reason of information received, whether under Articles 4 and 5 above or otherwise, a veterinary inspector has grounds for suspecting that rabies exists, or has within the preceding 56 days existed at any premises, or that there is an animal thereat which has been or which may have been exposed to the infection of that disease, he shall with all practicable speed

inquire as to the correctness of such information, and examine any animal or the carcase of any animal found at the premises. The opinion of the veterinary inspector as to the existence or previous existence of rabies at the premises shall be subject to confirmation by or on behalf of the Chief Veterinary Officer of the Ministry.

(2) For the purpose of discharging his functions under this Article, a veterinary inspector may—

- (a) enter on any part of the premises;
- (b) remove or cause to be removed from the premises any animal affected with or suspected of being affected with rabies, or any animal which has been in contact with an animal so affected or suspected, or the carcase of any such animal, to a place where the animal can conveniently be kept under veterinary observation by or on behalf of the Ministry or to a place where the animal or carcase can be subjected to diagnostic tests; and
- (c) take such samples as may be required for the purpose of diagnosis from any animal on the premises, whether or not such animal is affected with or suspected of being affected with rabies, or has been in contact with an animal so affected or suspected;

and the occupier of the premises and the persons in his employment shall render such reasonable assistance to the veterinary inspector as may be required for the purposes of this Article.

(3) The occupier of any premises on which there is or has been an animal affected with or suspected of being affected with rabies, or the carcase of any such animal, or an animal or the carcase of an animal which has been in contact with an animal so affected or suspected, and the veterinary surgeon (if any) who has been attending or has been consulted respecting the animal or carcase and any person who has been in charge of the animal or carcase or in any manner in contact with it, shall give all reasonable facilities for an inquiry under this Article, and for the removal of any animal or carcase and the taking of samples

(4) Any such occupier, veterinary surgeon or person as aforesaid shall, if so required by an officer of the Ministry, give such information as he possesses as to the animal or carcase, as to the location or movements of any other animal in his possession or under his charge, and as to any other animal with which any such animal may have been in contact.

Rules relating to infected places

7.—(1) Any premises declared to be an infected place by a notice served under Article 5 above, and any person from time to time thereat, shall be subject to the following rules, namely—

Rule 1.—Any animal in the infected place which is affected with or suspected of being affected with rabies, or any animal therein which has been in contact with an animal so affected or suspected, shall be detained and isolated in a part of the infected place approved for the purpose by an inspector.

Rule 2.—No person shall have access to an animal detained and isolated under Rule 1 above, except under the authority of a licence granted by an inspector of the Ministry, and in accordance with the terms and conditions subject to which it was granted. This prohibition shall not apply to an inspector, the owner of the animal or his representative, a person tending the animal or a veterinary surgeon employed by the owner.

Rule 3.—No animal shall be moved into or out of an infected place, except under the authority of a licence granted by an inspector of the Ministry, and in accordance with the terms and conditions subject to which it was granted.

Rule 4.—No carcase shall be removed from an infected place, except under the authority of a licence granted by an inspector of the Ministry, and in accordance with the terms and conditions subject to which it was granted, and the carcase of an animal dying at the infected place shall be disposed of in a manner specified by a veterinary inspector.

Rule 5.—Subject to the power of a veterinary inspector to remove and detain an animal under Article 6(2) above, any animal in the infected place which is affected with or suspected of being affected with rabies, or which has been in contact with an animal so affected or suspected, may be slaughtered by or on behalf of its owner, but only after notice of the intended slaughter has been given to a veterinary inspector. Where such slaughter takes place, steps shall be taken to ensure that the head and neck of the animal are not damaged, and if required, the carcase shall be made available to a veterinary inspector for veterinary investigation.

Rule 6.—Notice of the death of any animal in the infected place shall be given with all practicable speed to a veterinary inspector by the owner or other person in charge of the animal, or by the occupier of the infected place.

Rule 7.—No litter, dung, utensil, pen, hurdle or other thing coming from, or used in connection with, the animal affected with or suspected of being affected with rabies, or an animal which has been in contact with an animal so affected or suspected, shall be removed from the infected place, except under the authority of a licence granted by an inspector of the Ministry, and in accordance with the terms and conditions subject to which it was granted.

Rule 8.—Every part of an infected place where an animal affected with or suspected of being affected with rabies, or an animal which has been in contact with an animal so affected or suspected, has been, shall be disinfected by the occupier of the infected place in a manner approved by an inspector of the Ministry.

Rule 9.—The occupier shall ensure that notices in a form approved by an inspector are prominently displayed at the infected place, indicating that it has been declared so to be, and drawing attention to the existence or possible existence of rabies thereat.

(2) Where the occupier of an infected place fails to comply with the requirements of Rule 8 or Rule 9 above, it shall be lawful for the local authority to enter the infected place, and to carry out or cause to be carried out the necessary disinfection, or to erect or cause to be erected the requisite notices; and, without prejudice to any proceedings arising out of the default, the reasonable expenses of the local authority incurred in making good the default shall be recoverable on demand as a civil debt from the occupier of the infected place.

Notice of intended slaughter

8.—(1) Where the Minister proposes to cause an animal to be slaughtered under the powers conferred on him by section 17 of the Act in its application to rabies, a veterinary inspector shall serve a notice of intended slaughter on the owner or other person in charge of the animal, informing him of the proposed

slaughter, and (except where the animal has already been removed by a veterinary inspector under Article 6(2)(b) above) requiring him to surrender the animal for slaughter, or to detain the animal pending its slaughter (or pending its surrender and removal for slaughter) on such part of the premises at which the animal is kept as may be specified in the notice, and to isolate it as far as practicable from any other animal.

(2) The person on whom such a notice has been served—

(a) shall comply therewith; and

(b) shall not move the animal, or cause or permit it to be moved, off the part of the premises on which it is required to be detained, except under the authority of a licence granted by an inspector of the Ministry, and in accordance with the terms and conditions subject to which it was granted.

Declaration of infected area

9.—(1) Where the Minister believes or suspects that rabies exists, or has within the preceding six months existed, in an area, he may by order declare that area, together with any adjoining area into which he considers there may be a possibility of rabies spreading, to be an infected area for purposes connected with the control and eradication of that disease, and the provisions of Articles 10 to 12 below shall apply in relation to every infected area so declared.

(2) An order to which paragraph (1) above relates may—

(a) provide for the division of the infected area into zones delineated in accordance with the order;

(b) provide for the application in each such zone of such of the provisions of Schedule 3 to this order as may be specified therein, and, where appropriate, prescribe the descriptions of animals and other matters in respect of which any such provision shall apply; and

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

(3) Where an order to which paragraph (1) above relates does not provide for the division of the infected area into zones, the area as a whole shall, for the purposes of paragraph (2)(b) above, be deemed to be a zone, and the provisions of Schedule 3 to this order may be applied thereto as provided for in that sub-paragraph.

Destruction of foxes in infected areas

10.—(1) Where the Minister considers it expedient so to do, he may take steps to secure the destruction in an infected area of foxes (other than foxes held in captivity), and an officer of the Ministry, and any person authorised in writing by the Minister for the purpose, may enter any land (other than a dwellinghouse) for the purpose of carrying out, or of deciding whether to carry out, such destruction.

(2) Where the Minister exercises the power conferred on him by paragraph (1) above, methods of destruction may be used which would, apart from this provision, be unlawful.

(3) Before commencing destruction of foxes on any land, it shall be the duty of the Minister, whether by service of a notice in writing or by such other method as may be appropriate in the circumstances, to take all reasonable steps to inform the occupier, and any other person who may be on the land, of the proposal, and of the methods of destruction to be used.

(4) Where destruction is carried out under the provisions of this Article, the Minister may erect or cause to be erected fences or other obstacles for the purpose of restricting the movement of animals into and out of the area affected.

(5) The carcase of every fox destroyed under the provisions of this Article shall belong to the Minister, and shall be buried or otherwise disposed of in such manner as he may determine.

(6) No person shall obstruct the destruction of foxes under the provisions of this Article, or interfere with the carcase of any fox so destroyed.

Power of veterinary inspector to prohibit sporting or recreational activities on account of rabies

11.—(1) A veterinary inspector may prohibit by notice in writing the holding of any sporting or recreational activity on any land in an infected area specified in the notice when, in the opinion of the inspector, the holding of such activity on that land may cause the spread of rabies, and any such notice (which may be withdrawn or varied by a subsequent notice) shall be served on the person or persons responsible for the holding of such activity.

(2) A notice of prohibition under paragraph (1) above shall be given to the appropriate person—

- (a) by serving it on him in accordance with section 77(4) or (5) of the Act;
- (b) if he is responsible for the holding of such activity by virtue of his being a member or servant of a club or association, whether incorporated or unincorporated, by serving it on the secretary of the club or association;
- (c) if he is so responsible by virtue of his being a director, officer or servant of a limited company, by serving it on the secretary of the company; or
- (d) by exhibiting it in a prominent position on the land to which it relates, or by publishing it in a newspaper circulating in the district in which the land is situated, or by exhibiting it or publishing it in such other way as the Minister is satisfied will best bring it to the attention of persons likely to be affected by the prohibition.

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

Erection of warning notices

12.—(1) The Minister or the local authority may erect or cause to be erected notices—

- (a) at any place within and on the boundaries of an infected area, indicating that the area is an infected area for purposes connected with the control and eradication of rabies; and

(b) on the boundaries of and on any access to land on which destruction of foxes is carried out in accordance with Article 10 above, indicating the nature of the operations being carried out on the land, and the methods of destruction being used.

(2) It shall be unlawful for a person to remove, destroy, deface or alter any notice exhibited under any of the provisions of this order.

Offences

13. Any person who contravenes any provision of this order, or any provision of this order as applied in an infected area by an infected area order, or any provision of a licence granted or notice served under any such provision, or who fails to comply with any such provision, or who causes or permits any such contravention or non-compliance commits an offence against the Act.

Local authority to enforce order

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

Revocation of Rabies Order of 1938

15. The Rabies Order of 1938 is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd December 1974.

(L.S.)

Frederick Peart,
Minister of Agriculture,
Fisheries and Food.

William Ross,
Secretary of State for Scotland.

31st December 1974.

SCHEDULE 1

ANIMALS TO WHICH THE ORDER APPLIES

Order	Common names of some species (see note below)
Artiodactyla	Pigs, peccaries, hippopotamuses, camels, llamas, chevrotains, deer, giraffes, prong-horns, cattle, antelopes, duikers, gazelles, goats, sheep
Carnivora	Dogs, cats, jackals, foxes, wolves, bears, raccoons, coatis, pandas, otters, weasels, martens, polecats, badgers, skunks, mink, ratels, genets, civets, linsangs, mongooses, hyaenas, ocelots, pumas, cheetahs, lions, tigers, leopards
Chiroptera	Bats, flying foxes
Dermoptera	Flying lemurs
Edentata	Anteaters, sloths, armadillos
Hyracoidea	Hyraxes
Insectivora	Solenodons, tenrecs, otter shrews, golden moles, hedgehogs, elephant shrews, shrews, moles, desmans
Lagomorpha	Pikas, rabbits, hares
Marsupialia	Opossums, marsupial mice, dasyures, marsupial moles, marsupial anteaters, bandicoots, rat opossums, cuscuses, phalangers, koalas, wombats, wallabies, kangaroos
Monotremata	Echidnas, duck-billed platypuses
Perissodactyla	Horses, asses, zebras, tapirs, rhinoceroses
Pholidota	Pangolins
Primates	All families except Hominidae (Man) Tree-shrews, lemurs, indrises, sifakas, aye-eyes, lorises, bushbabies, tarsiers, titis, uakaris, sakis, howlers, capuchins, squirrel monkeys, marmosets, tamarins, macaques, mangabeys, baboons, langurs, gibbons, great apes
Proboscidea	Elephants
Rodentia	Gophers, squirrels, chipmunks, marmots, scaly-tailed squirrels, pocket mice, kangaroo rats, beavers, mountain beavers, springhaas, mice, rats, hamsters, lemmings, voles, gerbils, water rats, dormice, jumping mice, jerboas, porcupines, cavies (including guinea-pigs), capybaras, chinchillas, spiny rats, gundis
Tubulidentata	Aardvarks

NOTE.—Some of the common names of animals included in this Schedule are set out opposite the appropriate reference. The list is for guidance only and does not form part of the order.

SCHEDULE 2

FORM OF NOTICE DECLARING AND DEFINING THE LIMITS
OF AN INFECTED PLACE

DISEASES OF ANIMALS ACT 1950

THE RABIES (CONTROL) ORDER 1974
(Article 5)

NOTICE DECLARING AND DEFINING THE LIMITS OF AN INFECTED PLACE

To.....
of

I, the undersigned, being an inspector of the Ministry of Agriculture, Fisheries and Food (or an inspector of the local authority for the of) hereby give you as the occupier of the undermentioned premises notice 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, and any person from time to time thereat, 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 prosecution.*

This notice remains in force in its present form until it is cancelled or varied by a subsequent notice served by an inspector of the Ministry on the occupier of the infected place.

NOTE.—A notice declaring an infected place may be served under Article 5 of the Rabies (Control) Order in respect of any premises at which there is an animal affected with or suspected of being affected with rabies, or at which such an animal has died, or in respect of premises at which an inspector has reasonable grounds for suspecting that rabies has existed within the previous 56 days, or that there is an animal which has been or which may have been exposed to the infection of rabies through contact with an affected or suspected animal.

Description of infected place

Dated.....19

(Signed)

Official address

NOTE.—The Inspector is with all practicable speed to send copies of this notice to the Secretary, Ministry of Agriculture, Fisheries and Food, Animal Health Division, Hook Rise South, Tolworth, Surrey, KT6 7NF, to the local authority, to the Divisional Veterinary Officer and to the police officer in charge of the nearest police station in the district in which the infected place is situated.

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

SCHEDULE 3

Provisions which may be applied in Zones in Infected Areas (Article 9)

PROVISION I

Restriction of movement of animals into and out of a zone

(1) The movement of animals of such descriptions or species as may be prescribed by the infected area order into or out of any zone as may be so prescribed, is hereby prohibited, except under the authority of a licence granted by an inspector of the Ministry, and in accordance with the terms and conditions subject to which it was granted.

(2) Paragraph (1) above shall not apply to an animal which is transported directly between two places outside the zone, provided the animal is not unloaded within the zone from the vehicle or vessel which is carrying it, or permitted to come into contact with any other animal while there.

PROVISION II

Control of dogs and cats

(1) Subject to paragraphs (2) and (4) below, it shall be the duty of the owner or other person in charge of a dog or cat, and of the occupier of the premises at which the dog or cat is normally kept, or at which it may be temporarily staying, to ensure that the dog or cat—

- (a) is at all times securely confined within the premises, or a part thereof, and does not stray or escape therefrom;
- (b) does not come into contact with any other animal, other than an animal with which it is normally in contact at the premises; and
- (c) only leaves the premises in accordance with this Provision.

(2) Notwithstanding the requirements of paragraph (1) above, it shall not be unlawful for a dog or cat—

- (a) to be exercised outside the premises within which it is confined, on condition that, throughout the period of exercise, it is—
 - (i) held securely on a leash by the person in charge of the dog or cat, and in no circumstances permitted to run free;
 - (ii) prevented from coming into contact with any other animal, other than an animal with which it is normally in contact at the premises at which it is confined; and
 - (iii) in the case of a dog, securely fitted with a muzzle; or
- (b) to be moved to other premises within the same zone, on condition that—
 - (i) whilst being so moved, it is either controlled in the manner specified in the proviso to sub-paragraph (a) above, or carried in a suitable secure container which does not permit it to come into contact with any other animal, other than an animal with which it is normally in contact at the premises at which it is confined; and
 - (ii) it does not (except under the authority of a licence granted by an inspector of the Ministry, and in accordance with the terms and conditions subject to which it was granted) come into contact with any other animal at the premises to which it is moved.

(3) An inspector may serve on the owner or other person in charge of a dog or cat, or on the occupier of the premises at which the dog or cat is or should be confined, a notice in writing setting out such requirements, and prescribing such conditions,

with respect to the control and confinement of the dog or cat as the inspector may consider appropriate, and the person on whom such a notice is served shall take all necessary steps to comply with the provisions thereof.

(4) Where a veterinary inspector is satisfied that, having regard to the purpose for which a particular dog or cat is kept, any of the requirements of paragraphs (1) and (2) above would, if applied to that dog or cat, unduly restrict its use for that purpose, he may by licence exempt the owner or other person in charge of that dog or cat from all or any of those requirements, subject to compliance by that person with such conditions as may be imposed by the licence.

PROVISION III

Control of animals other than dogs and cats

(1) Subject to paragraphs (2) and (4) below, it shall be the duty of the owner or other person in charge of an animal of a description or species prescribed by the infected area order, and of the occupier of the premises at which such animal is normally kept, or at which it may be temporarily staying, to ensure that the animal—

- (a) is at all times securely confined within the premises, or a part thereof, and does not stray or escape therefrom;
- (b) does not come into contact with any other animal, other than an animal with which it is normally in contact at the premises; and
- (c) only leaves the premises in accordance with this Provision.

(2) Notwithstanding the requirements of paragraph (1) above, it shall not be unlawful for an animal—

- (a) which is normally exercised outside the premises within which it is confined to be so exercised, on condition that, throughout the period of exercise, it is—
 - (i) closely controlled and properly restrained by the person in charge of the animal, and in no circumstances permitted to run free; and
 - (ii) prevented from coming into contact with any other animal, other than an animal with which it is normally in contact at the premises at which it is confined; or

- (b) to be moved to other premises within the same zone:

Provided that—

- (i) it is transported in such a way as will ensure that it is kept under proper control and restraint, and that it cannot come into contact with any other animal, other than an animal with which it is normally in contact at the premises at which it is confined; and
- (ii) it does not (except under the authority of a licence granted by an inspector of the Ministry, and in accordance with the terms and conditions subject to which it was granted) come into contact with any other animal at the premises to which it is moved.

(3) An inspector may serve on the owner or other person in charge of an animal to which this Provision applies, or on the occupier of the premises at which the animal is or should be confined, a notice in writing setting out such requirements, and prescribing such conditions, with respect to the control and confinement of the animal as the inspector may consider appropriate, and the person on whom such a notice is served shall take all necessary steps to comply with the provisions thereof.

(4) Where a veterinary inspector is satisfied that, having regard to the purpose for which a particular animal to which this provision applies is kept, any of the requirements of paragraphs (1) and (2) above would, if applied to that animal, unduly restrict its use for that purpose, he may by licence exempt the owner or other person in charge of that animal from all or any of those requirements, subject to compliance by that person with such conditions as may be imposed by the licence.

PROVISION IV

Seizure, detention and disposal of animals not under control

(1) Where an animal to which Provision II or Provision III applies is not confined or controlled as required by those Provisions, or as required by a notice served or licence granted thereunder, an inspector or a police constable may seize and detain the animal, and the following paragraphs of this Provision shall apply thereto.

(2) The local authority shall take all reasonable steps to draw the attention of members of the public in their area to the address or location of any place at which animals seized under paragraph (1) above are to be detained, and an animal seized under that paragraph shall be removed to such a place, and detained thereat for a period of 3 days, unless claimed by or on behalf of its owner within that period.

(3) Where an animal seized under this Provision is claimed by or on behalf of its owner within the period specified in paragraph (2) above, the local authority may require the animal to be detained at its owner's expense at such place and for such additional period as an inspector of the local authority may direct.

(4) Where the owner of an animal which has been claimed within the period specified in paragraph (2) above—

(a) fails to meet, within the period specified by the local authority, the reasonable expenses of the authority in seizing and detaining the animal, or

(b) where an additional period of detention has been directed in respect of the animal under paragraph (3) above, fails to enter into an arrangement satisfactory to the local authority for meeting the reasonable expenses of the authority incurred or to be incurred in connection with such additional period of detention, or fails to comply with the terms of such an arrangement,

the local authority may destroy the animal and dispose of its carcase, or otherwise dispose of the animal as they may think fit.

(5) Where an animal seized under this Provision is not claimed by or on behalf of its owner within the period specified in paragraph (2) above, the local authority may destroy the animal and dispose of its carcase, or otherwise dispose of the animal as they may think fit.

(6) The reasonable expenses of the local authority incurred in seizing, detaining, destroying or disposing of an animal or carcase under the foregoing paragraphs of this Provision shall, without prejudice to any proceedings arising for an offence against the Act, be recoverable by the local authority on demand as a civil debt from the owner of the animal.

(7) Where circumstances prevent an animal which is liable to be seized under this Provision from being so seized, it shall be lawful for an officer of the Ministry, an inspector or a police constable to destroy the animal without so seizing it.

(8) An officer of the Ministry, an inspector or a police constable may enter any land for the purpose of seizing or destroying an animal which is liable to be seized or destroyed under the foregoing paragraphs of this Provision.

PROVISION V

Compulsory vaccination of animals

(1) The owner of an animal of a description or species prescribed by the infected area order shall take steps to ensure that the animal is, within such period as may be so prescribed, vaccinated against rabies with a vaccine approved for the purpose by the Minister.

(2) Where an animal is vaccinated under paragraph (1) above, the owner of the animal shall ensure that it is marked in such manner, or provided with such other means of identification, as the Minister may require.

(3) Where a person fails to comply with any of the foregoing requirements of this Provision, the Minister or the local authority may seize the animal and—

- (a) arrange for those requirements to be carried out; or
- (b) destroy the animal and dispose of its carcase, or otherwise dispose of the animal as he or they may think fit.

(4) An officer of the Ministry or an inspector may enter any land for the purpose of seizing an animal under paragraph (3) above, and the owner or other person in charge of the animal, and the occupier of the land, shall render all reasonable assistance to such officer or inspector to enable him to exercise the powers conferred by this paragraph.

(5) The reasonable expenses of the Minister or of the local authority incurred in connection with the seizure, vaccination, marking or identification, destruction or disposal of an animal under paragraphs (3) and (4) above may be recovered on demand by the Minister or, as the case may be, the local authority as a civil debt from the owner of the animal, without prejudice to any proceedings arising for an offence against the Act.

PROVISION VI

Prohibition of gatherings of animals

Events of a kind prescribed by the infected area order at which animals, or such descriptions or species of animals as may be so prescribed, are gathered together, are hereby prohibited, except under the authority of a licence granted by an inspector of the Ministry, and in accordance with the terms and conditions subject to which it was granted; and the occupier of any land on which an event prohibited by this provision is held, and the person responsible for organising or holding that event, commits an offence against the Act.

PROVISION VII

Prohibition of certain activities

(1) The following activities are hereby prohibited, except under the authority of a licence granted by an inspector of the Ministry and in accordance with the terms and conditions subject to which it was granted, namely—

- (a) hunting (including the hunting and stalking of deer), and cubbing;
- (b) the racing or coursing, or the training for racing or coursing, of any hounds or dogs;
- (c) point-to-point meetings; and
- (d) the shooting or attempted shooting of game or other wildlife.

(2) Any person who takes part in an activity prohibited by paragraph (1) above, and the occupier of any land on which that activity takes place, commits an offence against the Act.

PROVISION VIII

Notification of deaths of animals

(1) Any person who knows of the death of an animal of a description or species prescribed by the infected area order, or who finds the carcase of such an animal, shall report the fact to an officer of the Ministry, unless he has reasonable grounds for believing that the animal did not die from rabies, or that the fact of its death has already been reported.

(2) The carcase of every animal to which this Provision applies shall belong to the Minister, and shall be buried or otherwise disposed of in such manner as he may determine.

(3) An officer of the Ministry shall have power to enter any land for the purpose of taking possession of the carcase of any animal to which this Provision applies.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order is made under various provisions of the Diseases of Animals Act 1950, as amended and extended by the Rabies Act 1974. It applies throughout Great Britain, and replaces the Rabies Order of 1938 which is accordingly revoked. In its place, the order lays down a far more comprehensive procedure for dealing with possible rabies outbreaks.

The order covers virtually all mammals which live on land (irrespective of whether they are domesticated or wild, or living in captivity or not), and it imposes a duty on any person who knows or suspects that such an animal is suffering from rabies, or has died from that disease, to report the fact to the authorities. Where there are grounds for believing that rabies exists or has previously existed at any premises, power is given to an inspector either of the Ministry or of the local authority to declare by written notice those premises to be an infected place, and the effect of such a notice is to impose severe restrictions with respect to persons and animals at the premises.

Where premises have been declared to be an infected place, the order requires a veterinary inspector of the Ministry to carry out an inquiry to establish whether rabies exists or has previously existed thereat, and for this purpose he is given power to enter land, to remove animals and carcasses for veterinary investigation, and to take diagnostic samples. The occupier of the infected place and other persons who are or have been connected with animals at the premises are required to assist in the inquiry, and to supply such relevant information as they may possess.

The order makes rabies a disease for the purposes of section 17 of the 1950 Act and thus empowers the Minister to slaughter animals on account of that disease. The Minister is also given power to declare by order that an area in which he believes rabies exists or has within the preceding six months existed, together with any adjoining area into which he considers there is a possibility of rabies spreading, shall be an infected area for the purpose of controlling the disease. Such an area may be divided into zones, and the Minister may apply different controls in different zones.

In respect of all infected areas, the Minister may arrange for the destruction of foxes which are not held in captivity if he considers such action to be necessary, and for this purpose his officers may enter any land (other than a dwelling-house) and may use methods of destruction which would otherwise be unlawful. The order also permits a veterinary inspector of the Ministry to prohibit by written notice any sporting or recreational activity on land within an infected area where he considers that the holding of the activity would give rise to the danger of rabies being spread.

Schedule 3 contains the provisions which the Minister may apply at his discretion to different zones in an infected area. Included amongst these is the power to prohibit (except under licence) hunting, shooting, dog racing and point-to-point meetings, and also the movement of animals into or out of a zone. Other provisions relate to the detention and confinement of dogs, cats and other animals within premises, their vaccination against rabies, the action to be taken in respect of breaches of such requirements, and other ancillary and incidental matters.