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STATUTORY INSTRUMENTS

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**1991 No. 2814**

**ANIMALS**

**The Anthrax Order 1991**

*Made* - - - - *10th December 1991*

*Coming into force* - - *1st January 1992*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 1, 7(1), 8(1), 15(4), 17(1), 23, 25, 72, 83(2), 87(2) and (5) and 88(2) of the Animal Health Act 1981<sup>(1)</sup>, and of all other powers enabling them in that behalf, hereby make the following Order:

**Title and commencement**

1. This Order may be cited as the Anthrax Order 1991 and shall come into force on 1st January 1992.

**Interpretation**

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

“the Act” means the Animal Health Act 1981;

“the disease” means anthrax;

“diseased” means affected with the disease;

“disinfectant” means a disinfectant listed in Schedule 1 or Schedule 2 of the Diseases of Animals (Approved Disinfectants) Order 1978<sup>(2)</sup> as approved for use in respect of general orders;

“Divisional Veterinary Officer” means the veterinary inspector appointed for the time being by the Minister to receive information about diseased or suspected animals or the carcasses of such animals for the area in which such animals or carcasses are;

“infected place” means a place declared to be an infected place under article 7(1);

“occupier” means, in relation to any premises, the owner, occupier or person in charge of the premises;

“premises” includes land, with or without buildings;

“slaughterhouse” means—

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(1) 1981 c. 22. See section 86(1)(c) for the definition of “the Ministers.”

(2) S.I. 1978/32 amended by S.I. 1978/934, 1991/631 and 1991/1770.

- (a) in relation to England and Wales, a slaughterhouse or knacker's yard as defined in section 34 of the Slaughterhouses Act 1974<sup>(3)</sup>; and
  - (b) in relation to Scotland, a slaughterhouse as defined in section 22 of the Slaughter of Animals (Scotland) Act 1980<sup>(4)</sup>;
- “suspected” means suspected of being diseased;
- “veterinary surgeon” includes veterinary practitioner.
- (2) Unless the context otherwise requires, any reference in this Order—
- (a) to a numbered article or Schedule, is a reference to the article or Schedule bearing that number in this Order, and
  - (b) to a lettered form, is a reference to the form bearing that letter in Schedule 2 to this Order.

### **Extension of definition of disease, animals and poultry for the purposes of the Act**

3. For the purposes of the Act in its application to this Order—
- (a) the definition of disease in section 88(1) of the Act shall be extended to comprise the disease;
  - (b) the definition of animals in section 87(1) of the Act shall be extended to comprise any kind of mammal except man;
  - (c) the definition of poultry in section 87(4) of the Act shall be extended to comprise quail.

### **Notice of suspected disease**

4. A person who has in his possession or under his charge any animal or carcase which he suspects is diseased, and any veterinary surgeon or other person who, in the course of his duties, suspects the presence of the disease on any premises shall give notice of his suspicion as soon as practicable to the Divisional Veterinary Officer.

### **Precautions in case of diseased or suspected animal or carcase**

5.—(1) A person who has in his possession or under his charge a diseased or suspected animal or carcase shall ensure that no animal or carcase is moved from the premises until a veterinary inquiry in accordance with article 6 has been completed.

(2) The occupier of premises on which there is a diseased or suspected animal or carcase shall as soon as possible take steps to ensure that the requirements set out in Part I of Schedule 1 are complied with on those premises.

### **Veterinary inquiry as to the existence of disease**

6.—(1) If a veterinary inspector has reasonable grounds for supposing that the disease exists or has within 56 days existed on any premises he shall with all practicable speed inquire as to the correctness of the supposition.

- (2) For the purposes of such an inquiry a veterinary inspector may—
- (a) examine any animal or carcase on the premises;
  - (b) take or cause to be taken from any such animal or carcase any sample he may require for the purposes of diagnosis;
  - (c) mark or cause to be marked any such animal or carcase for identification purposes;

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(3) 1974 c. 3.  
(4) 1980 c. 13.

(d) examine any records relating to the origin, destination, health and productivity of any animal which is, or has been, on the premises, and take copies of such records, and

(e) investigate the origins of feedingstuffs and fertilisers.

(3) The occupier of the premises, any person in his employment, any veterinary surgeon who has been attending or who has been consulted respecting any animal or carcase on the premises and any person who is or has been in charge of or in contact with any such animal or carcase, shall provide such information and facilities and render such assistance as may be required for the purposes of the inquiry.

(4) If on completion of the inquiry the veterinary inspector is of the opinion that the disease does not exist and has not within 56 days existed on the premises he shall send a certificate to that effect to the Minister forthwith.

### **Declaration of infected place**

7.—(1) If a veterinary inspector has reasonable grounds for supposing that the disease exists or has within 56 days existed on any premises he may serve a notice in form A on the occupier of the premises declaring them to be an infected place.

(2) An infected place shall be subject to the requirements set out in Schedule 1 until a notice in form B is served on the occupier by the Divisional Veterinary Officer.

(3) A veterinary inspector may at any time alter the limits of an infected place by the service of a notice in form C on the occupier.

(4) A veterinary inspector may at any time require the movement of animals from the infected place to such other place as he may determine and when making such a requirement shall authorise the movement by licence.

(5) A veterinary inspector may, by notice served on the occupier, prohibit the use of a specified feedingstuff on the infected place, where he considers it necessary to prevent the spread of disease.

### **Power of veterinary inspectors to prohibit or control movement or use**

8.—(1) If a veterinary inspector has reasonable grounds for supposing that the movement of any animal or carcase, or other thing to or from any premises would give rise to the risk of the spread of the disease he may, for the purpose of preventing the spread of the disease, by notice served on the occupier of the premises, prohibit the movement of any animal, carcase, or other thing to or from the premises, except under the authority of a licence granted by a veterinary inspector.

(2) If a veterinary inspector has reasonable grounds for supposing that the use of any thing in relation to any animal or carcase would give rise to the risk of the spread of the disease he may, for the purpose of preventing the spread of the disease, by notice served on the occupier of the premises on which the thing is found, prohibit its use.

### **Disposal of carcasses**

9. The local authority for the area in which the infected place is found shall cause the diseased or suspected carcasses to be disposed of by incineration on the infected place or by such other method as the Divisional Veterinary Officer may approve.

### **Cleansing, disinfection, vaccination and treatment**

10.—(1) A veterinary inspector may serve on the occupier of any premises on which there is or has within 56 days been a diseased or suspected animal or carcase a notice requiring him to cleanse and disinfect in such manner and within such period as may be specified in the notice and with such disinfectant as is specified in the notice,—

- (a) all or any part of the premises;
- (b) any thing which has been in contact with the animal or carcase and any thing which is used in connection with the animal or carcase.

(2) A veterinary inspector may serve on the occupier of any premises a notice requiring him to arrange for the vaccination or treatment or for both vaccination and treatment of specified animals in such manner and within such period as may be specified in the notice, where the veterinary inspector considers that it is necessary to prevent the spread of disease.

(3) If the requirements of a notice are not complied with a veterinary inspector may, without prejudice to any proceedings for an offence arising out of the default, carry out or cause to be carried out the cleansing, disinfection, vaccination or treatment, and any expenses reasonably incurred in doing so shall be recoverable by the Minister from the occupier.

### **General provisions as to licences**

**11.**—(1) Any licence issued under article 7(4) or 8(1) may be revoked or varied or issued subject to conditions.

(2) Any person who moves any animal, carcase or other thing under the authority of such a licence shall—

- (a) ensure that the licence accompanies the animal, carcase or other thing; and
- (b) on demand made by an inspector or a member of a police force produce the licence and allow a copy or extract to be taken.

(3) A veterinary inspector who issues a licence authorising a movement shall with all practicable speed send a copy of the licence to the local authority to whose area the movement is authorised.

### **Enforcement**

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

### **Offences**

**13.** A person shall be guilty of an offence against the Act who, without lawful authority or excuse, proof of which shall lie on him—

- (a) contravenes article 4, 5, 6(3), 7(4) or 11(2); or
- (b) fails to comply with any notice served under article 7(1), 7(5), 8, 10(1) or (2); or
- (c) contravenes the provisions of any licence issued under article 7(4) or 8(1); or
- (d) alters, removes or defaces any mark applied under article 6(2)(c); or
- (e) causes or permits any such contravention or non-compliance.

### **Revocation**

**14.** The Anthrax Order of 1938(5) is hereby revoked.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th December 1991.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

9th December 1991

*Strathclyde*  
Parliamentary Under Secretary of State, Scottish  
Office

6th December 1991

*David Hunt*  
Secretary of State for Wales

SCHEDULE 1

Articles 5 and 7

REQUIREMENTS UNDER ARTICLES 5 AND 7 (FORM A)

PART I

1. The occupier of premises on which there is a diseased or suspected animal or carcase shall as soon as possible—
  - (a) block the drainage system of that part of the premises which contains the diseased or suspected animal or carcase so as to prevent the spread of disease;
  - (b) prevent the access of animals or poultry to the diseased or suspected animal or carcase and to any part of the premises on which the animal or carcase or any dung or discharge from the animal has been;
  - (c) disinfect with an approved disinfectant any place where the diseased or suspected animal or carcase has been;
  - (d) sterilise any milk produced by a diseased or suspected animal;
  - (e) sterilise any utensil into which any milk produced by a diseased or suspected animal has been put.
2. No person shall cut or cause or permit to be cut the skin of a diseased or suspected carcase, except a veterinary inspector in the course of obtaining a sample for examination.
3. No person shall mix the milk from a diseased or suspected animal with other milk.

PART II

- 4.—(1) If so directed by a veterinary inspector, the occupier of the premises shall exhibit a notice at every entrance stating that the premises are an infected place.
  - (2) No person shall alter, remove or deface such a notice.
5. No person shall enter any part of the premises unless he is an inspector, the owner of any animal or poultry on the premises or a person attending any such animal or poultry except under the authority of a licence granted by a veterinary inspector.
- 6.—(1) No person shall enter the premises unless he wears overall clothing and footwear which are capable of being disinfected or which are disposable.
  - (2) No person shall leave the premises until he has thoroughly cleansed and disinfected his overall clothing and footwear, or, if his overall clothing and footwear are disposable, removed them and left them on the infected place.
  - (3) No person shall leave the premises until he has washed his hands.
7. No person shall move any animal or carcase or thing derived from any animal or carcase or any thing used or intended to be used in connection with animals into or from the premises except under the authority of a licence issued by a veterinary inspector.
8. No person shall allow any animal or poultry to stray into or from the premises or come into contact with any animal or poultry on any other premises.
9. The occupier of the premises shall give notice of the death or slaughter of any animal on the premises with all practicable speed to a veterinary inspector.

10. The occupier of the premises shall ensure that

- (a) a receptacle, containing such disinfectant as specified by a veterinary inspector is kept in a convenient position, directed by the veterinary inspector, at every exit from the premises, and
- (b) fresh disinfectant is placed in the receptacle daily and whenever directed by a veterinary inspector.

SCHEDULE 2

Article 7

FORM AMINISTRY OF AGRICULTURE, FISHERIES AND FOODSCOTTISH OFFICE  
AGRICULTURE AND FISHERIES DEPARTMENTWELSH OFFICE AGRICULTURE  
DEPARTMENTANIMAL HEALTH ACT 1981ANTHRAX ORDER 1991 (ARTICLE  
7(1))NOTICE DECLARING INFECTED PLACE

To .....

of .....

.....

I, the undersigned, being a veterinary inspector, give you notice as the occupier of the premises described below that, in accordance with the provisions of the above Order, the premises are hereby declared to be an infected place and are subject to the requirements specified in Schedule 1 to the Order. Any infringement of the requirements may render you liable to prosecution under the Act.

This notice remains in force until it is cancelled by a notice in form B served by a veterinary inspector on the occupier of the infected place.

<i>Description of infected place</i>		
Premises	Parish/Community*	District/Borough* County Regional/Islands* Council

Dated .....

Signed .....

Name in block letters .....

Address .....

.....

\*Delete as appropriate

FORM BMINISTRY OF AGRICULTURE, FISHERIES AND FOODSCOTTISH OFFICE  
AGRICULTURE AND FISHERIES DEPARTMENTWELSH OFFICE AGRICULTURE  
DEPARTMENTANIMAL HEALTH ACT 1981ANTHRAX ORDER 1991 (ARTICLE  
7)CANCELLATION OF NOTICE DECLARING INFECTED PLACE (FORM A)

**Status:** This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.

To .....  
of .....  
.....

I, the undersigned, being a veterinary inspector, hereby cancel the notice in form A relating to the premises described below served on ..... and any notice amending it.

*Description of premises*

Premises	Parish/Community*	District/Borough* County Regional/Islands* Council

Dated .....

Signed .....

Name in block letters .....

Address .....

.....

\*Delete as appropriate

FORM C MINISTRY OF AGRICULTURE, FISHERIES AND FOOD SCOTTISH OFFICE  
AGRICULTURE AND FISHERIES DEPARTMENT WELSH OFFICE AGRICULTURE  
DEPARTMENT ANIMAL HEALTH ACT 1981 ANTHRAX ORDER 1991 (ARTICLE  
7(3)) NOTICE ALTERING LIMITS OF INFECTED PLACE

*Status: This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.*

To .....  
of .....  
.....

I, the undersigned, being a veterinary inspector, give you notice as the occupier of the premises described below that, in accordance with the provisions of the above Order, the limits of the infected place declared by the notice in form A served on ..... /and amended by the notice in form C served on ..... /are hereby altered so as to comprise the premises described below. The premises accordingly become subject to all the requirements applicable to the infected place.

<i>Description of premises</i>		
Premises	Parish/Community*	District/Borough* County Regional/Islands* Council

Dated .....  
Signed .....  
Name in block letters .....  
Address .....  
.....

\*Delete as appropriate

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order revokes and replaces the Anthrax Order of 1938. It provides for the extension of the definition of disease in the Animal Health Act 1981 to include anthrax and the definitions of animal and poultry to include any kind of mammal except man, and quail respectively (article 3).

- The Order requires notification of suspected disease (article 4) and provides for precautions to be taken pending the completion of a veterinary inquiry (article 5). It also provides for
- (1) veterinary inquiry as to the existence of the disease and the action to be taken (article 6),
  - (2) declaration of an infected place and the requirements to which such a place is subject (article 7),
  - (3) power to prohibit or control movement of animals (article 8),
  - (4) disposal of carcasses (article 9),

- (5) cleansing and disinfection of premises and vaccination and/or treatment of animals (article 10),
- (6) general provisions as to licences (article 11),
- (7) enforcement and offences (articles 12 and 13), and
- (8) revocation (article 14).

Contravention of the Order is an offence under the Animal Health Act 1981.