

Welsh Statutory Instrument 2003 No. 326 (W.47)

The Bluetongue (Wales) Order 2003

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STATUTORY INSTRUMENTS

2003 No. 326 (W.47)

ANIMALS, WALES

ANIMAL HEALTH

The Bluetongue (Wales) Order 2003

Made

17th February 2003

Coming into force

19th February 2003

The National Assembly for Wales and the Secretary of State for Environment, Food and Rural Affairs, acting jointly in exercise of their powers under sections 1, 7(1), 8(1), 15(4), 17(1), 23, 25, 32(2), 34(7), 35(1) and (3), 36(2) and (5), 83(2) and 88(2) of the Animal

Health Act 1981[1], make the following Order:

Title, commencement and application

1. - (1) This Order may be cited as the Bluetongue (Wales) Order 2003 and comes into force on 19th February 2003.

(2) This Order applies in relation to Wales only.

Interpretation

2. In this Order -

"the Act" ("*y Ddeddf*") means the Animal Health Act 1981;

"animal" ("*anifail*") means a ruminating animal;

"carcase" ("*carcas*") means the carcase of a ruminating animal;

"Chief Veterinary Officer" ("*Prif Swyddog Milfeddygol*") means the Chief Veterinary Officer of the Department for Environment, Food and Rural Affairs;

"confirmation of disease" ("*cadarnhau'r clefyd*") means a declaration by the Chief Veterinary Officer that the bluetongue virus is circulating in a specific area;

"the disease" ("*y clefyd*") means bluetongue;

"diseased" ("*a'r clefyd arno*") means affected with the disease;

"Divisional Veterinary Manager" ("*Rheolwr Milfeddygol Rhanbarthol*") means the veterinary inspector authorised by the Secretary of State to receive information about animals or carcases that are diseased or suspected of being diseased for the area in which such animals for the area in which such animals or carcases are situated;

"embryo" ("*embryo*") means the embyo of a ruminating animal;

"holding" ("*daliad*") means land, with or without buildings, where animals are kept permanently or temporarily;

"keeper" ("*ceidwad*") means any natural or legal person having ownership of, or charged with keeping animals, whether or not for financial reward;

"ovum" ("*ofwm*") means the ovum of a ruminating animal;

"premises" ("*tir ac adeiladau*") includes any land, vehicles (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, ship, boat, hovercraft or aircraft;

"Secretary of State" ("*yr Ysgrifennydd Gwladol*") means the Secretary of State for Environment, Food and Rural Affairs;

"semen" ("*semen*") means the semen of a ruminating animal;

"sentinel animals" ("*anifeiliaid rhybuddio*") means animals which do not have antibodies to the disease and which are used for surveillance for it;

"thing" ("*peth*") includes a carcase, embryo, ovum, semen, fodder, litter, dung, straw, slurry, utensil, pen, hurdle, vehicle, equipment and clothing;

"vector" ("*fector*") means an insect of the species *Culicoides imicola* or any other

insect of the genus *Culicoides* which, in the opinion of Chief Veterinary Officer, is capable of transmitting bluetongue;

"the virus" ("*y feirws*") means the bluetongue virus.

Extension of definition of "disease"

3. In the application of the Animal Health Act 1981 to this Order, the definition of "disease" in section 88(1) of that Act is extended to include bluetongue.

Exemption for activities authorised under the Specified Animal Pathogens Order 1998

4. This Order does not apply to anything authorised by a licence issued under article 4 of the Specified Animal Pathogens Order 1998 in respect of the disease.[\[2\]](#)

Vaccination against the disease

5. The vaccination of an animal against the disease is prohibited except under the authority of a licence issued by the Secretary of State or the National Assembly for Wales.

Initial requirements where disease is known or suspected to exist

6. - (1) Any person who knows or suspects that any animal or carcase in his or her possession, under his or her charge or being examined or inspected by him or her is diseased, must -

(a) immediately notify the Divisional Veterinary Manager; and

(b) refrain from moving any animal on or off the premises where the animal is located, except as authorised by an inspector.

(2) Any person who analyses samples taken from any animal or carcase and who finds evidence of antibodies or antigens to the disease or to any vaccine for the disease must immediately notify the Divisional Veterinary Manager.

Isolation of animals

7. The occupier of any premises or any keeper who knows or suspects that any animal or carcase in his or her possession or under his or her charge is diseased must, where this is practicable, ensure that all animals on the premises are kept indoors.

Notification by inspectors

8. - (1) If an inspector knows or suspects that the disease exists on any premises, he or she must immediately serve a notice on the occupier or on the keeper of any animals on the premises requiring that -

(a) no animal, carcase, ovum, semen or embryo enters or leaves the premises;

(b) an inventory of all animals on the premises is compiled, recording, for each species -

(i) the number dead;

(ii) the number alive which appear to the occupier or keeper to be infected with the disease; and

(iii) the number alive which do not appear to the occupier or keeper to be infected with the disease;

(c) this inventory is kept up to date to take account of animals which are born or die and is produced to an inspector on request.

(2) An inspector may, by any notice issued under paragraph (1), -

(a) require that animals on the premises are kept indoors or in any particular part of the premises;

(b) require the occupier or keeper to comply with specified vector control measures; and

(c) require the destruction, burial or disposal of carcasses.

(3) A veterinary inspector or an inspector acting under the direction of a veterinary inspector may also serve such a notice on the occupier of premises whose location, geographical situation or contacts with premises where the disease is known or suspected to exist (in Wales or elsewhere) provide grounds for suspecting the existence of the disease, exposure to it or the presence of vectors there.

(4) Notices may be served under paragraphs (1) and (2) whether or not notification has been given under article 6.

Powers of veterinary inspectors and officers

9. - (1) Where a veterinary inspector exercises powers of entry under the Act onto any part of premises in respect of which a notice has been served under article 8 he or she may -

(a) examine any animal, carcass or thing;

(b) make such tests and take such samples (including blood samples) from any animal, carcass or thing as he or she may consider necessary for the purpose of diagnosis;

(c) mark for identification purposes any animal, carcass or thing; and

(d) collect vectors and set traps for the collection of vectors.

(2) An officer authorised by the Secretary of State or the National Assembly for Wales acting under the direction of a veterinary inspector, who enters premises in respect of which a notice has been served under article 8, either with a veterinary inspector in accordance with article 16(c) or with the consent of the occupier, may -

(a) collect vectors and set traps for the collection of vectors; and

(b) implement such vector control measures as the veterinary inspector deems necessary.

(3) A veterinary inspector may, by notice in writing, served on the occupier of the premises or on the keeper of any animals on the premises -

(a) require the detention, isolation, restraint or treatment of any animal;

- (b) require the destruction, burial, disposal or treatment of any thing;
- (c) require the cleansing and disinfection of any part of the premises or of any person, animal or thing on the premises; and
- (d) require the occupier, any veterinary surgeon who has attended any animal on the premises and any other person who has been in charge of or in contact with any such animal to inform him of any other animal or other premises with which any such animal may have come into contact.

Measures when the disease is confirmed

10. - (1) On confirmation of disease, a veterinary inspector or an inspector acting under the direction of a veterinary inspector must serve notice on the occupiers of all holdings or on the keepers of animals on those holdings within -

- (a) a 20 kilometre radius of premises where the disease is known to exist; or
- (b) such other area as the Chief Veterinary Officer may decide having regard to epidemiological, geographical, ecological and meteorological factors.

(2) Such notice must require the occupier to comply with the requirements set out in article 8(1) and may impose requirements in accordance with article 9(3) and with any other requirements which the inspector considers necessary.

(3) A veterinary inspector may serve a notice that has effect in accordance with this article on any premises that are not holdings.

(4) In the case of a general notice issued in accordance with paragraph (1) or paragraph (3), any such notice must identify the area to which it applies, and it applies to all holdings or premises (as the case may be) which are wholly or partly within the area notified.

Restrictions in infected areas

11. - (1) Where, by Order, the Secretary of State or the National Assembly for Wales declares an area to be an infected area to which this Order applies, the following provisions in this article and article 12 apply to that area, save as expressly varied or excepted by such Order.

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

(3) Except as authorised by a licence issued by an inspector in accordance with the advice of the Chief Veterinary Officer, -

- (a) the movement of any animal, carcase, ovum, semen or embryo from the premises on which they are kept; or
- (b) the movement of any animal, carcase, ovum, semen or embryo on public or private roads (other than the service roads of premises),

is prohibited.

Powers of inspectors and officers in an infected area

12. - (1) When an infected area has been declared, veterinary inspectors and officers

authorised by the Secretary of State or the National Assembly for Wales have the same powers specified in article 9 in respect of premises within the infected area as they have in respect of premises on which a notice has been served under article 8.

(2) A veterinary inspector may also -

- (a) direct the occupier of premises in an infected area or the keeper of any animal on those premises to vaccinate or to allow the vaccination of any animal kept there; and
- (b) direct the occupier or keeper to retain animals for use as sentinel animals or to allow the introduction of sentinel animals onto those premises.

Slaughter of animals

13. It is directed that section 32 of the Act (which relates to slaughter and compensation) applies to bluetongue.

Offences

14. Any person who, without lawful authority or excuse, proof of which lies on him or her -

- (a) contravenes any provision of this Order or any provision of a licence, notice or direction issued under this Order;
- (b) fails to comply with any such licence, notice or direction or with any condition of any such provision;
- (c) causes or permits any such contravention or non-compliance;
- (d) damages, interferes with or removes any traps set for the collection of vectors under article 9;
- (e) removes, obliterates or defaces any mark made by a veterinary inspector under article 9,

commits an offence against the Act.

Powers of inspectors in case of default

15. - (1) If a person served with a notice under this Order fails to comply with any requirement of such a notice or any other requirement reasonably laid down by an inspector, an inspector may, without prejudice to any proceedings for an offence arising out of such default, take all such steps as may be necessary to ensure that such requirement is met.

(2) The amount of any expenses reasonably incurred by the inspector under 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.

General powers of inspectors

16. - (1) An inspector or officer of the Secretary of State or National Assembly for Wales who enters premises under this Order may take with him

- (a) a vehicle (provided entry with such a vehicle is reasonably practicable);
- (b) such equipment as he considers necessary; and

(c) such other person as he considers necessary for any purpose in relation to the execution and enforcement of this Order.

(2) Any requirement imposed by or under this Order does not apply if a permit disapplying the requirement is issued by a veterinary inspector.

(3) In deciding whether or not to issue a permit under paragraph (2), a veterinary inspector must act in accordance with the instructions of the Secretary of State or the National Assembly for Wales.

Licences, notices and directions

17. - (1) Any licence, notice, direction or permit under this Order must be in writing, may be general or specific, may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

(2) A notice of amendment, suspension or revocation of a licence, notice, direction or permit issued under this Order must be served, -

(a) in the case of a specific licence, notice, direction or permit, on the person to or on whom that licence, notice, direction or permit was issued or served; or

(b) in the case of a general licence, notice, direction or permit, in such manner as the Secretary of State, National Assembly for Wales, veterinary inspector or inspector (as the case may be) may reasonably consider most appropriate to bring it to the attention of those affected by it.

Enforcement

18. This Order shall, except where otherwise expressly provided, be executed and enforced by the local authority.

Revocations

19. The Specified Diseases (Notification and Slaughter) Order 1992 [[3](#)] and the Specified Diseases (Notification) Order 1996 [[4](#)] are revoked insofar as they apply in relation to bluetongue.

Signed on behalf of the National Assembly for Wales

D. Elis-Thomas
Presiding Officer

17th February 2003

E.A. Morley
Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs
15th February 2003

EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements Council Directive 2000/75/EC laying down specific provisions for the control and eradication of bluetongue (OJ No.L327, 22.12.2000, p.74). It applies in relation to Wales only.

Articles 1, 2 and 3 contain introductory provisions, including definitions of certain terms used in the Order. Article 4 provides that certain activities authorised under the Specified Animal Pathogens Order 1998 (S.I. 1998/463) are not covered by the Order. Article 5 prohibits unlicensed vaccination against the disease.

Articles 6 to 9 concern measures when bluetongue is known or suspected to exist on premises. Articles 6 and 7 provide for notification to be given to the Divisional Veterinary Manager and for the isolation of animals when disease is known to exist or is suspected. Article 8 provides for the service of notices by inspectors requiring compliance with certain restrictions. The general powers of inspectors are set out in sections 63 and 64A of the Animal Health Act 1981. Article 9 specifies the powers of veterinary inspectors, officers of the Secretary of State and the National Assembly for Wales to carry out certain tasks on premises after exercising powers of entry.

Articles 10 to 13 concern measures when an outbreak of bluetongue has been confirmed. Article 10 provides for the service of notices. Articles 11 and 12 set out the restrictions which apply in areas declared to be infected areas by the Secretary of State under the Animal Health Act 1981. Article 13 applies provisions in that Act relating to the slaughter of animals. Article 14 sets out the general duties of occupiers and keepers under the Order. Article 15 sets out the powers of inspectors when the requirements in notices are not complied with. Article 16 sets out their general powers. General requirements in respect of licences, notices and directions are specified in article 17. Article 18 provides that the Order shall be executed and enforced by the local authority. Article 19 revokes the Special Diseases (Notification and Slaughter) Order 1992 (S.I. 1992/3159) and the Specified Diseases (Notification) Order 1996 (S.I. 1996 2628) insofar as they apply to bluetongue.

Failure to comply with the Order is an offence under section 73 of the Animal Health Act 1981.

A Regulatory Appraisal has been prepared and published on the National Assembly for Wales web-site (www.wales.gov.uk). Copies are available from the Welsh Assembly Government, Animal Health Division, Cathays Park, Cardiff, CF10 3NQ.

Notes:

- [1] 1981 c.22.[back](#)
 - [2] S.I. 1998/463.[back](#)
 - [3] S.I. 1992/3159.[back](#)
 - [4] S.I. 1996/2628.[back](#)
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