

2003 No. 130

ANIMALS, ENGLAND
ANIMAL HEALTH

The Bluetongue Order 2003

Made - - - - - *28th January 2003*

Coming into force - - - *19th February 2003*

The Secretary of State for Environment, Food and Rural Affairs, in exercise of her powers under sections 1, 7(1), 8(1), 15(4), 17(1), 23, 25, 32, 34, 35, 36, 83(2) and 88(2) of the Animal Health Act 1981(a) makes the following Order:

Title, commencement and extent

1.—(1) This Order may be cited as the Bluetongue Order 2003 and shall come into force on 19th February 2003.

(2) This Order extends to England.

Interpretation

2.—(1) In this Order—

“the Act” means the Animal Health Act 1981;

“animal” means a ruminating animal;

“carcase” means the carcase of a ruminating animal;

“confirmation of disease” means a declaration by the Chief Veterinary Officer that the bluetongue virus is circulating in a specific area;

“embryo” means the embryo of a ruminating animal;

“the disease” means bluetongue;

“diseased” means affected with the disease;

“Divisional Veterinary Manager” means the veterinary inspector authorised by the Secretary of State to receive information about animals or carcasses diseased or suspected of being diseased for the area in which such animals or carcasses are situated;

“keeper” means any natural or legal person having ownership of, or charged with keeping animals, whether or not for financial reward;

“ovum” means the ovum of a ruminating animal;

“premises” includes land, vehicles, vessels and aircraft;

“Secretary of State” means the Secretary of State for Environment, Food and Rural Affairs;

“semen” means the semen of a ruminating animal;

“sentinel animals” means animals which do not have antibodies to the disease and which are used for surveillance for it;

(a) 1981 c. 22.

“thing” includes a carcase, embryo, ovum, semen, fodder, litter, dung, straw, slurry, utensil, pen, hurdle, vehicle, equipment and clothing;

“vector” means an insect of the species *Culicoides imicola* or any other insect of the genus *Culicoides* which, in the opinion of the Chief Veterinary Officer, is capable of transmitting bluetongue;

“vessel” has the meaning given to “ship” by the Merchant Shipping Act 1995(a).

(2) Any approval, licence, notice or direction under this Order shall be in writing, may be subject to conditions and may be amended, suspended or revoked by notice in writing at any time.

Extension of definition of “disease”

3. The definition of “disease” in section 88(1) of the Animal Health Act 1981 is extended to include bluetongue.

Exemption for activities authorised under the Specified Animal Pathogens Order 1998

4. This Order shall not apply to anything authorised by a licence issued under article 4 of the Specified Animal Pathogens Order 1998(b) in respect of the disease.

Vaccination against the disease

5. No person shall vaccinate an animal against the disease unless authorised by the Secretary of State.

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 possession, under his charge or being examined or inspected by him is diseased, shall—

- (a) immediately notify the Divisional Veterinary Manager; and
- (b) refrain from moving any animal or carcase on or off the premises where the animal or carcase known to be or suspected as being diseased 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 shall 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 possession or under his charge is diseased shall, 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 shall immediately serve a notice on the occupier of those premises or on the keeper of any animals on those 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 kept, 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;
- (d) all animals on the premises are kept indoors or as directed by an inspector;

(a) 1995 c. 21 s. 170.

(b) S.I. 1998/463.

- (e) the premises and animals on them are subject to such vector control measures as an inspector may direct;
- (f) carcasses are destroyed, buried or disposed of as an inspector may direct.

(2) 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 England or elsewhere) provide grounds for suspecting the existence of the disease, exposure to it or the presence of vectors there.

(3) 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) A veterinary inspector may enter on any part of premises in respect of which a notice has been served under article 8 and may—

- (a) examine any animal, carcase or thing;
- (b) require the detention, isolation, restraint or treatment of any animal;
- (c) require the slaughter of any animal which is affected by disease or which he suspects may be affected by disease or have been exposed to infection;
- (d) make such tests and take such samples (including blood samples) from any animal, carcase or thing as he may consider necessary for the purpose of diagnosis;
- (e) mark for identification purposes any animal, carcase or thing;
- (f) collect vectors and set traps for the collection of vectors;
- (g) implement such other vector control measures as he deems necessary;
- (h) require the destruction, burial, disposal or treatment of any thing;
- (i) require the cleansing and disinfection of any part of the premises or of any person, animal or thing on the premises;
- (j) 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.

(2) An officer authorised by the Secretary of State and acting under the direction of a veterinary inspector may enter on any part of premises in respect of which a notice has been served under article 8 and may—

- (a) collect vectors and set traps for the collection of vectors; and
- (b) implement such other vector control measures as a veterinary inspector may deem necessary.

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 shall serve notices on the occupiers of all premises or on the keepers of animals on those premises 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 shall require the occupier to comply with some or all of the requirements set out in articles 8 and 9 and with any other requirements which he considers necessary.

(3) Such notice need not be served on those already notified under article 8.

Restrictions in infected areas

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

(2) Any premises which are partly within an infected area shall be 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, no person shall—

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

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 shall, in respect of premises within the infected area, have the powers they have under article 9.

(2) A veterinary inspector may also—

- (a) require the occupier of premises in an infected area or the keeper of any animal on those premises to allow the vaccination of any animal kept there; and
- (b) require 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. Section 32 of the Act (which relates to slaughter and compensation) shall apply to bluetongue.

General duties of occupiers and keepers

14.—(1) Unless otherwise authorised by a licence issued by an inspector or by the Secretary of State, an occupier of premises to which this Order applies and a keeper of any animal on such premises shall—

- (a) comply with requirements in notices served on them;
- (b) allow an inspector to enter premises referred to in notices served upon them;
- (c) compile and maintain such records as an inspector may reasonably require and produce such records to an inspector on request;
- (d) refrain from damaging, interfering with or removing any traps set for the collection of vectors;
- (e) refrain from defacing, obliterating or removing any mark made by a veterinary inspector under article 9; and
- (f) provide such reasonable assistance and information as an inspector may reasonably require for the purpose of carrying out his functions under this Order.

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, 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. An inspector or officer of the Secretary of State 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;

Enforcement and offences

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

Revocations

18. The Specified Diseases (Notification and Slaughter) Order 1992^(a) and the Specified Diseases (Notification) Order 1996^(b) are revoked insofar as they apply to bluetongue.

28th January 2003

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

(a) S.I. 1992/3159.
(b) S.I. 1996/2628.

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).

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 unauthorised vaccination against the disease.

Articles 6 to 9 concern measures to be taken 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 veterinary inspectors and of officers of the Secretary of State are set out in sections 63 and 64A of the Animal Health Act 1981. Article 9 of this Order provides the specifics as to the exercise of certain of these powers when an outbreak of bluetongue is suspected.

Articles 10 to 13 concern measures to be taken 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 Act. 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 served by them are not complied with. Article 16 sets out their general powers. Article 17 provides that the Order shall be executed and enforced by the local authority. Article 18 revokes the Specified 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 this Order is an offence under section 73 of the Animal Health Act 1981.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Animal Health (Disease Control) Division, Department for Environment, Food and Rural Affairs.

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