

2009 No. 2713

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Animal Health (Divisional Veterinary Managers) Order
2009**

Made - - - - *6th October 2009*

Coming into force - - *1st November 2009*

The Secretary of State makes this Order in exercise of the powers conferred by sections 1, 15(4) and 83(2) of the Animal Health Act 1981(a).

Citation, application and commencement

1. This Order may be cited as the Animal Health (Divisional Veterinary Managers) Order 2009; it applies in England and comes into force on 1st November 2009.

General amendments relating to “Divisional Veterinary Manager”

2.—(1) In the Orders specified in the first column of Schedule 1, for “Divisional Veterinary Manager”, in each place where it occurs in the provisions specified in the third column, substitute “Secretary of State”.

(2) In the Orders specified in the first column of Schedule 2, the definitions of “Divisional Veterinary Manager” in the provisions specified in the third column are revoked.

Amendments to the Rabies (Control) Order 1974

3.—(1) The Rabies (Control) Order 1974(b) is amended as follows.

(2) In article 5(5), for “Secretary, Ministry of Agriculture, Fisheries and Food, Hook Rise South, Tolworth, Surrey, KT6 7NF, to the Divisional Veterinary Manager” substitute “Secretary of State”.

(3) Omit the second Note (beginning with “The inspector is with all practicable speed”) to the Notice specified in Schedule 2 (notice declaring and defining the limits of an infected place).

(a) 1981 c. 22. Powers to make Orders under these sections were originally conferred on “the Ministers” by section 86 of the Act. These powers are now exercisable by the Secretary of State. Functions of “the Ministers” were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). Functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(b) S.I. 1974/2212 as amended by S. I. 1995/2922.

Amendments to the Aujeszky's Disease Order 1983

4.—(1) The Aujeszky's Disease Order 1983(a) is amended as follows.

(2) In article 19(2), for the words "Divisional Veterinary Manager of the Ministry for that area" substitute the words "Secretary of State".

(3) Omit the Notes to Forms A, B, C, D and E in the Schedule.

Amendment to the Infectious Diseases of Horses Order 1987

5. The Infectious Diseases of Horses Order 1987(b) is amended by omitting the Notes to Forms A, B, C and D in Schedule 1.

Amendments to the Enzootic Bovine Leukosis (England) Order 2000

6.—(1) The Enzootic Bovine Leukosis (England) Order 2000(c) is amended as follows.

(2) In article 4(1), for "Divisional Veterinary Manager responsible for that area" substitute "Secretary of State".

(3) In article 5(1), for "Divisional Veterinary Manager of the area from which the sample was taken or in which the laboratory is situated" substitute "Secretary of State".

Amendment to the Foot-and-Mouth Disease (England) Order 2006

7.—(1) The Foot-and-Mouth Disease (England) Order 2006(d) is amended as follows.

(2) For article 9(5) substitute—

“(5) Where notification is received under this article from a person other than the occupier of the premises where the relevant animal or carcase is located, a veterinary inspector may serve a notice on the occupier informing the occupier that—

- (a) notification has been received under this article; and
- (b) Schedule 1 applies in relation to the premises.”

Amendment to the Avian Influenza and Influenza of Avian Origin in Mammals (England) (No. 2) Order 2006

8. Article 9(4) of the Avian Influenza and Influenza of Avian Origin in Mammals (England) (No. 2) Order 2006(e) is omitted.

Revocation

9. The Animal Health Orders (Divisional Veterinary Manager Amendment) Order 1995 is revoked(f).

Jim Fitzpatrick
Minister of State

6th October 2009

Department for Environment, Food and Rural Affairs

(a) S.I. 1983/344, as amended by S.I. 1995/2922.
(b) S.I. 1987/790 as amended by S.I. 1995/2922.
(c) S.I. 2000/2056.
(d) S.I. 2006/182.
(e) S.I. 2006/2702.
(f) S.I. 1995/2922.

SCHEDULE 1

Article 2(1)

“DIVISIONAL VETERINARY MANAGER” SUBSTITUTED BY
“SECRETARY OF STATE”

<i>Title</i>	<i>Reference</i>	<i>Provisions Amended</i>
The Export of Horses (Veterinary Examination) Order 1966	S.I. 1966/507 as amended by S.I. 1995/2922	Article 3
The Rabies (Control) Order 1974	S.I. 1974/2212 as amended by S.I. 1995/2922	Article 4(3)(a) and (b)
The Importation of Animals Order 1977	S.I. 1977/944 as amended by S.I. 1995/2922	Articles 4(2), (3)(b), (4) and (5)(a) and 5(4)
The Infectious Diseases of Horses Order 1987	S.I. 1987/790 as amended by S.I. 1995/2922	Articles 4(1), (2)(a) and (b), (3)(a), (b) and (c), 7 (Rules 8 and 9) and 9, and Rules 8 and 9 in Form A in Schedule 1
The Tuberculosis (Deer) Order 1989	S.I. 1989/878 as amended by S.I. 1995/2922	Articles 4(1), 5(1) and 7(b)
The Anthrax Order 1991	S.I. 1991/2814 as amended by S.I. 1995/2922	Articles 4, 7(2) and 9
The Equine Viral Arteritis Order 1995	S.I. 1995/1755 as amended by S.I. 1995/2922	Articles 4(1), (3)(i) and (ii) and (4)(a) and 6(2), paragraphs 3 and 5 of Part I of the Schedule and paragraph 7 of Part II of the Schedule
The Specified Diseases (Notification) Order 1996	S.I. 1996/2628	Article 5(1)(a)
The Enzootic Bovine Leukosis (England) Order 2000	S.I. 2000/2056	Article 3(1)(b) and (2)
The Diseases of Poultry (England) Order 2003	S.I. 2003/1078	Article 4(1)(a) and (2)
The Classical Swine Fever (England) Order 2003	S.I. 2003/2329	Article 4(1) and (2); Article 13(3); Paragraph 8 of Part I of Schedule 1; Paragraph 20 of Part II of Schedule 1; Paragraph 5 of Part I of Schedule 2; Paragraph 9 of Part II of Schedule 2

<i>Title</i>	<i>Reference</i>	<i>Provisions Amended</i>
The African Swine Fever (England) Order 2003	S.I. 2003/2913	Article 4(1) and (2); Article 13(3); Paragraph 9 of Part 1 of Schedule 1; Paragraph 11 of Part 2 of Schedule 1; Paragraph 5 of Part 1 of Schedule 2; Paragraph 3 of Part 2 of Schedule 2
The Foot-and-Mouth Disease (England) Order 2006	S.I. 2006/182	Articles 9(1), (2), (3) and (4) and paragraph 1 of Schedule 8
The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No. 2) Order 2006	S.I. 2006/2702	Articles 9(1), (2) and (3)
The Tuberculosis (England) Order 2007	S.I. 2007/740	Articles 5(1), 6(1), 9(2)(d)(i) and 13(3)

SCHEDULE 2

Article 2(2)

DEFINITIONS OF “DIVISIONAL VETERINARY MANAGER” REVOKED

<i>Title</i>	<i>Reference</i>	<i>Provision in which definition revoked</i>
The Export of Horses (Veterinary Examination) Order 1966	S.I. 1966/507 as amended by S.I. 1995/2922	Article 2(1)
The Rabies (Control) Order 1974	S.I. 1974/2212 as amended by S.I. 1995/2922	Article 2(1)
The Importation of Animals Order 1977	S.I. 1977/944 as amended by S.I. 1995/2922	Article 2(1)
The Infectious Diseases of Horses Order 1987	S.I. 1987/790 as amended by S.I. 1995/2922	Article 3(1)
The Tuberculosis (Deer) Order 1989	S.I. 1989/878 as amended by S.I. 1995/2922	Article 2(1)
The Anthrax Order 1991	S.I. 1991/2814 as amended by S.I. 1995/2922	Article 2(1)
The Equine Viral Arteritis Order 1995	S.I. 1995/1755 as amended by S.I. 1995/2922	Article 3
The Specified Diseases (Notification) Order 1996	S.I. 1996/2628	Article 2
The Brucellosis (England) Order 2000	S.I. 2000/2055	Article 2(1)
The Enzootic Bovine Leukosis (England) Order 2000	S.I. 2000/2056	Article 2(1)

<i>Title</i>	<i>Reference</i>	<i>Provision in which definition revoked</i>
The Diseases of Poultry (England) Order 2003	S.I. 2003/1078	Article 3(1)
The Classical Swine Fever (England) Order 2003	S.I. 2003/2329	Article 2(1)
The African Swine Fever (England) Order 2003	S.I. 2003/2913	Article 2(1)
The Foot-and-Mouth Disease (England) Order 2006	S.I. 2006/182	Article 2(1)
The Tuberculosis (England) Order 2007	S.I. 2007/740	Article 3

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends specified Orders to remove references to “Divisional Veterinary Manager” and replaces those references with “Secretary of State”. This Order also revokes definitions of “Divisional Veterinary Manager” in all affected Orders.

An impact assessment has not been prepared for this Order, as no impact on the private, public or voluntary sector is foreseen.

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