

2007 No. 932

PREVENTION AND SUPPRESSION OF TERRORISM

The Security of Animal Pathogens (Exceptions to Dangerous Substances) Regulations 2007

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| <i>Made</i> - - - - | <i>19th March 2007</i> |
| <i>Laid before Parliament</i> | <i>22nd March 2007</i> |
| <i>Coming into force</i> - - | <i>19th May 2007</i> |

The Secretary of State, in exercise of the powers conferred by section 58(5) of the Anti-terrorism, Crime and Security Act 2001(a), as applied by the Part 7 of the Anti-terrorism, Crime and Security Act 2001 (Extension to Animal Pathogens) Order 2007(b), having regard to the definition of “prescribed” in section 74(1) of that Act (as so applied), makes the following Regulations:

1.—(1) These Regulations may be cited as the Security of Animal Pathogens (Exceptions to Dangerous Substances) Regulations 2007 and shall come into force on 19th May 2007.

(2) In these Regulations—

“the Act” means the Anti-terrorism, Crime and Security Act 2001, as applied by the Part 7 of the Anti-terrorism, Crime and Security Act 2001 (Extension to Animal Pathogens) Order 2007 and a reference to a provision of the Act is to that provision as so applied;

“animal” includes a bird, fish or arthropod; and

“animal pathogen” means a substance for the time being mentioned in Schedule 5 to the Act.

2.—(1) Where any of the conditions set out in paragraph (2) is satisfied, something which would otherwise fall within section 58(4)(a) of the Act is not to be regarded as a dangerous substance.

(2) Those conditions are:

- (a) that it exists in the form of, or is included in, a medicinal product; or
- (b) that it is an immunological product intended to diagnose whether a state of immunity to certain diseases exists in human beings or animals; or
- (c) that it is for use in medicinal tests on animals in accordance with a valid animal test certificate; or
- (d) that it is modified for use to be administered to one or more human beings or animals for a medicinal purpose; or
- (e) that it is kept in such a way that it is no longer in a state that will allow it to be propagated; or
- (f) that it is kept—
 - (i) as part of a clinical specimen for diagnostic purposes, and

(a) 2001 c.24.
(b) S.I. 2007/926.

- (ii) for no longer than is reasonably practicable for its disposal after the time when the diagnosis has been made.

(3) In this regulation—

“administer” has the same meaning as in section 130(9) of the Medicines Act 1968(a);

“medicinal product” means any substance or article which is held in a form which is ready to be administered to one or more human beings or animals for a medicinal purpose; and

“medicinal purpose” has the same meaning as in section 130(2) of the Medicines Act 1968.

3.—(1) Where the condition set out in paragraph (2) is satisfied, an animal pathogen which would otherwise fall within section 58(4)(b) of the Act is not to be regarded as a dangerous substance.

(2) Subject to paragraph (3), that condition is that the animal pathogen for the time being mentioned in Schedule 5 to the Act infects or is otherwise carried by:

- (a) any animal, alive or dead, or anything which is or was a part to it;
- (b) any human corpse, or any part of it;
- (c) any food or food source within the meaning of the Food Safety Act 1990(b); or
- (d) any feeding stuff.

(3) Paragraph (2) does not apply if the occupier of the premises where any of the things set out in sub-paragraphs (a) to (d) of that paragraph is kept:

- (a) knows or ought reasonably to have known that the thing in question had been deliberately infected by an animal pathogen or that it otherwise carries such a pathogen as a result of a deliberate act; and
- (b) keeps the thing in question for longer than is reasonably practicable for its disposal.

(4) In paragraph (2)(d) “feeding stuff” means—

- (a) a product of vegetable or animal origin in its natural state (whether fresh or preserved);
- (b) a product derived from the industrial processing of such a product; or
- (c) an organic or inorganic substance, used by itself or in a mixture;

whether or not containing additives, for oral feeding to animals.

Home Office
19th March 2007

Tony McNulty
Minister of State

(a) 1968 c.67; section 130(9) was amended by paragraph 3(9) of Schedule 1 to the Animal Health and Welfare Act 1984 (c.40).
(b) 1990 c.16; “food” and “food source” are defined by section 1.

EXPLANATORY NOTE

(This note is not part of the Order)

Part 7 of the Anti-terrorism, Crime and Security Act 2001, as applied by Part 7 of the Anti-terrorism, Crime and Security Act 2001 (Extension to Animal Pathogens) Order 2007, places duties on the occupiers of premises at which dangerous substances are kept. In that Part, a “dangerous substance” means anything which consists of or includes a substance for the time being mentioned in Schedule 5 to that Act, as substituted by that Order (section 58(4)(a)) or anything which is infected with or otherwise carries any such substance (section 58(4)(b)). However, under section 58(5) of that Act something which otherwise falls within that definition is not to be regarded as a dangerous substance if it satisfies conditions prescribed in regulations or is kept or used in circumstances so prescribed. These Regulations exercise those powers.

Regulation 2(2) sets out exceptions to section 58(4)(a). Regulation 3(2) sets out an exception to section 58(4)(b).

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