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STATUTORY INSTRUMENTS

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**1998 No. 463**

**ANIMALS**

**ANIMAL HEALTH**

**The Specified Animal Pathogens Order 1998**

*Made* - - - - *27th February 1998*

*Coming into force* - - *1st April 1998*

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, 8, 35(1), 87(2) and (5) and 88(2) and (4) of the Animal Health Act 1981(1) and of all other powers enabling them in that behalf, make the following Order:

**Title and commencement**

1. This Order may be cited as the Specified Animal Pathogens Order 1998 and shall come into force on 1st April 1998.

**Extension of the definition of “animal”, “poultry” and “disease”**

2. For the purposes of the Animal Health Act 1981 in relation to this Order—
- (a) the definition of “animal” is hereby extended so as to comprise any kind of mammal except man, and any kind of four-footed beast which is not a mammal;
  - (b) the definition of “poultry” is hereby extended so as to comprise any species of bird;
  - (c) the definition of “disease” is hereby extended so as to comprise any disease of animals and poultry which may be caused by one or more specified animal pathogens.

**Interpretation**

- 3.—(1) In this Order, unless the context otherwise requires—
- “animal” includes poultry;
  - “carrier” means any living creature except man which may carry or transmit a specified animal pathogen or the tissue, cell culture, body fluid, excreta, carcase or part of a carcase of such creature by or by means of which a specified animal pathogen may be transmitted;

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(1) 1981 c. 22; see section 86(1) for a definition of “the Ministers”. Section 35(1) was amended by section 1 of the Animal Health and Welfare Act 1984 (c. 40).

“specified animal pathogen” means an animal pathogen listed in the Schedule to this Order, including—

- (a) intact pathogens;
- (b) pathogens which have been attenuated or genetically modified by any means, and
- (c) any nucleic acid derived from an animal pathogen listed in the Schedule which could produce that pathogen when introduced into a biological system in which the nucleic acid is capable of replicating.

(2) A licence or notice issued under this Order shall be in writing, may be subject to conditions and may be modified, suspended or revoked by notice in writing served on the licensee or recipient of the original notice at any time.

### **Prohibitions in relation to specified animal pathogens**

4.—(1) Subject to article 5 below, no person shall have in his possession any specified animal pathogen in Part I of the Schedule to this Order, or any carrier in which he knows such a pathogen is present, except under the authority of a licence issued by the appropriate Minister.

(2) Subject to article 5 below, no person shall deliberately introduce into any animal any specified animal pathogen in the Schedule to this Order except under the authority of a licence issued by the appropriate Minister.

(3) If any person has in his possession any thing in which he has reasonable grounds for suspecting that a specified animal pathogen in Part I of the Schedule to this Order is present, and does not have a licence in respect of that pathogen he shall forthwith notify a veterinary inspector.

### **Exceptions**

5.—(1) Article 4 above shall not apply to any person who is transporting a pathogen or carrier and who does not own or have any rights in that pathogen or carrier.

(2) Article 4 above shall not apply in relation to any pathogen or carrier contained in a product—

- (a) permitted to be placed on the market under the Marketing Authorisations for Veterinary Medicinal Products Regulations 1994<sup>(2)</sup> or the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994<sup>(3)</sup>;
- (b) licensed in accordance with the provisions of section 7(2) of the Medicines Act 1968<sup>(4)</sup>; or
- (c) in respect of which an animal test certificate has been issued in accordance with the provisions of section 32 of that Act.

### **Powers of inspectors**

6.—(1) Where an inspector has reasonable grounds for suspecting that a specified animal pathogen or a carrier is in the possession of a person who does not hold a licence permitting work with that pathogen in contravention of this Order or in contravention of a condition of a licence granted under this Order he may at any time seize, or cause to be seized, such pathogen, carrier or any material in which he reasonably suspects such pathogen to have been kept or into which he reasonably suspects it to have been introduced.

(2) A veterinary inspector may, if he considers it expedient to do so for the purpose of preventing the introduction or spreading of disease into or within Great Britain, detain, treat or destroy any pathogen, carrier or material seized under paragraph (1) above.

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(2) S.I. 1994/3142.

(3) S.I. 1994/3144.

(4) 1968 c. 67.

(3) A veterinary inspector may, by notice in writing served upon the occupier of any premises (including a dwelling house), or upon the owner or person in charge of any vehicle by which any specified pathogen, carrier or material is or has been present in contravention of this Order or of a licence issued under it, require the person on whom the notice was served to cleanse and disinfect such premises, place or vehicle in such manner as he may by such notice specify at the expense of the person on whom the notice is served.

(4) Where the requirements of a notice served under paragraph (3) above have not been complied with, a veterinary inspector may carry out or cause to be carried out the cleansing and disinfection specified in the notice at the expense of the person on whom the notice has been served.

### **Production of licences**

7. Any person acting under the authority of a licence shall produce it on demand to a veterinary inspector, officer of the appropriate Minister or an inspector of the local authority and allow a copy of it to be taken and shall, if required by that person, furnish his name and address.

### **Enforcement**

8. This Order shall be enforced by the local authority.

### **Revocation and transitional provision**

9.—(1) The Specified Animal Pathogens Order 1993(5) is revoked.

(2) Any notice or licence issued under the Specified Animal Pathogens Order 1993 shall continue to have effect as if made under the equivalent provision of this Order.

17th February 1998

*Jeff Rooker*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

19th February 1998

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

27th February 1998

*Win Griffiths*  
Parliamentary Under Secretary of State, Welsh  
Office

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## SCHEDULE

Articles 3 and 4

### SPECIFIED ANIMAL PATHOGENS

#### PART I

##### PATHOGENS REQUIRING A LICENCE FOR POSSESSION OR INTRODUCTION INTO AN ANIMAL

African horse sickness virus  
African swine fever virus  
Aujeszky's disease virus  
Avian influenza viruses which are:  
(a) uncharacterised; or  
(b) Type A viruses which have an intravenous pathogenicity index in six week old chickens of greater than 1.2; or  
(c) Type A viruses H5 or H7 subtype for which nucleotide sequencing has demonstrated multiple basic amino acids at the cleavage site of haemagglutinin  
Babesia bovis, B. bigemina, B. caballi and B. equi  
Bacillus anthracis  
Bluetongue virus  
Bovine leukosis virus  
Brucella abortus  
Brucella melitensis  
Brucella ovis  
Brucella suis  
Burkholdaria (Pseudomonas) mallei  
Classical swine fever virus  
Cochliomyia hominivorax  
Cowdria ruminatum  
Eastern and Western equine encephalomyelitis viruses  
Echinococcus multilocularis and E. granulosus  
Equine infectious anaemia virus  
Equine morbillivirus  
Foot and mouth disease virus  
Histoplasma farciminosum  
Japanese encephalitis virus  
Lumpy skin disease virus  
Mycoplasma agalactiae  
Mycoplasma capricolum sub species capripneumoniae  
Mycoplasma mycoides sub species mycoides SC and mycoides LC variants  
Mycoplasma mycoides var capri

Newcastle disease (avian paramyxovirus type 1) viruses which are—

- (a) uncharacterised; or
- (b) have an intracerebral pathogenicity index in one-day-old chicks of 0.4 or more, when not less than 10 million 50% egg infectious doses (EID<sub>50</sub>) are administered to each bird in the test

Peste de petits ruminants virus

Rabies virus and all viruses of the genus Lyssavirus

Rift Valley Fever virus

Rinderpest virus

Sheep and goat pox virus

Swine vesicular disease

Teschen disease virus

Theileria annulata

Theileria parva

Trichinella spiralis

Trypanosoma brucei, T. congolense, T. equiperdum, T. evansi, T. simiae and T. vivax

Venezuelan equine encephalomyelitis virus

Vesicular stomatitis virus

## **PART II**

### **PATHOGEN REQUIRING A LICENCE FOR INTRODUCTION INTO AN ANIMAL**

The live virus causing viral haemorrhagic disease of rabbits

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#### **EXPLANATORY NOTE**

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

This Order revokes and re-enacts with amendments the Specified Animal Pathogens Order 1993 (S.I.1993/3250).

It extends the definition of “specified animal pathogen” to include nucleic acid derived from a pathogen listed in the Schedule and which may be capable of producing that pathogen (article 3). It prohibits the possession of the pathogens listed in Part I of the Schedule and the introduction into any animal of any pathogen listed in the Schedule, except under the authority of a licence issued by the appropriate Minister.

If any person who does not hold such a licence possesses anything which he suspects contains a pathogen listed in Part I of the Schedule he is required to notify a veterinary inspector (article 4). There are exceptions for veterinary and human medicines (article 5). There are provisions relating

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to powers of inspectors and production of licences (articles 6 and 7). The Order is enforced by the local authority (article 8).

The Schedule is amended to include in the list of specified animal pathogens *Babesia bovis*, *Babesia bigemina*, *Bovine leukosis virus*, *Brucella abortus*, *Cowdria ruminatum*, *Equine morbillivirus*, *Japanese encephalitis virus*, *Mycoplasma capricolum* sub species *capripneumoniae*, all rabies viruses, *Theileria parva*, *Trypanosoma brucei*, *Trypanosoma congolense*, *Trypanosoma simiae*, and *Trypanosoma vivax*. Only pathogenic or uncharacterised strains of Newcastle disease are included. The live virus causing viral haemorrhagic disease of rabbits is included only in Part II of the Schedule. Horse pox virus and *Trypanosoma theileri* have been removed from the Schedule.

A Regulatory Appraisal has been prepared and placed in the Library of each House of Parliament. Copies can be obtained from the Animal Health (Disease Control) Division of the Ministry of Agriculture, Fisheries and Food, Government Buildings, Hook Rise South, Tolworth, Surbiton, Surrey KT6 7NF.