



National Assembly for Wales

STATUTORY INSTRUMENTS

2001 No. 4009 (W.335)

ANIMALS, WALES

ANIMAL HEALTH

The Foot-and-Mouth Disease (Amendment) (Wales) (No. 13) Order 2001

Made

14th December 2001

Coming into force:

17th December 2001

The National Assembly for Wales and the Minister of Agriculture, Fisheries and Food, acting jointly, in exercise of the powers conferred on them under sections 1, 7(1), 8(1), 17 and 23 of the Animal Health Act 1981(a) and of all other powers enabling them in that behalf, make the following Order:

Title, application and commencement

1. This Order is called the Foot-and-Mouth Disease (Amendment) (Wales) (No. 13) Order 2001; it applies to Wales, and comes into force on 17th December 2001.

Amendment of the Foot-and-Mouth Disease Order 1983

2.-(1) The Foot-and-Mouth Disease Order 1983(b) in so far as it applies to Wales is amended in accordance with the provisions of this article.

(2) In article 3(1) in the definition of "hunting" for the words "any drag trail" there is substituted the words "any drag or other trail"

(3) For article 3(6) there is substituted the following-

"(6) References in paragraph (5) above and in articles 41(2), 42(1) and 45(c) and (d) to licences shall be taken to include reference to a permit issued by a veterinary inspector under either article 29A(2)(d) or article 36(2)(d)."

(4) In article 18-

(a) paragraph (4) is deleted;

(b) for paragraph (7) there is substituted the following paragraph-

(a) 1981 c.22. See section 86(1) for the definitions of "the Ministers" and "the Minister". Functions of "the Ministers", so far as exercisable by the Secretary of State for Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Functions of "the Ministers" so far as exercisable by the Secretary of State for Scotland in relation to Wales, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).

(b) S.I. 1983/1950, as amended by S.I. 1993/3119, S.I. 1995/2922 and as regards Wales, by S.I. 2001/572, (W.26), 2001/658 (W.33), 2001/968 (W.46), 2001/1033 (W.47) (itself amended by S.I. 2001/1234 (W.67)), 2001/1406 (W.93), 2001/1509 (W.106), 2001/1874 (W.134), 2001/2236 (W.162), 2001/2813 (W.242), 2001/2981 (W.248), 2001/3145 (W.260) and 2001/3706 (W.303).

"(7) The person in charge of the vehicle in which animals are moved under this article shall ensure, as soon as possible after the animals have been unloaded and, in any case (unless the licence otherwise provides) before the vehicle is moved from the delivery premises, that the vehicle is thoroughly cleansed and disinfected in accordance with the requirements of paragraph 3 of Schedule 2 to this Order, and with any additional requirements specified in the licence under which the animals are moved."; and

- (c) at the beginning of paragraph (8) there are inserted the words-

"Subject to any provisions of the licence issued under paragraphs (1) or (2) above which impose a contrary requirement on the person moving the animals,".

- (5) In article 29A the following paragraph is inserted after paragraph (2)-

"(2A) In deciding whether to issue a licence under paragraph (2)(b) above or a permit under paragraph 2(d) above a veterinary inspector shall comply with any instructions which may have been issued by the Minister in relation to the issue of such licences or permits.".

- (6) In article 31-

- (a) paragraph (2) is deleted;

- (b) for paragraph (5) there is substituted the following paragraph-

"(5) The person in charge of the vehicle in which animals are moved under this article shall ensure, as soon as possible after the animals have been unloaded and, in any case (unless the licence otherwise provides) before the vehicle is moved from the delivery premises, that the vehicle is thoroughly cleansed and disinfected in accordance with the requirements of paragraph 3 of Schedule 2 to this Order, and with any additional requirements specified in the licence under which the animals are moved."; and

- (c) at the beginning of paragraph (6) there are inserted the words "Subject to any provisions of the licence granted under paragraph (1) above which impose a contrary requirement on the person moving the animals,".

- (7) In article 36

- (a) for paragraph (2) there is substituted the following paragraph-

"(2) Nothing in paragraph (1) shall make it unlawful for-

- (a) the occupier of any land, or for a member of a shooting party consisting of not more than three persons who are authorised by the occupier or are members of his or her household or who are persons employed by the occupier as beaters to shoot or attempt to shoot any deer found on that land;
- (b) the occupier of any land or any group of not more than three persons who are authorised by the occupier or are members of his or her household to use any dog in connection with the killing on that land of any fox, hare, mink or rabbit found thereon provided that this shall not be taken to authorise the pursuit of any such quarry using dogs outside the boundaries of that land;
- (c) a person to cull deer under the authority of a licence granted by an inspector and subject to any conditions set out therein; or
- (d) a person to take part in hunting (other than hunting where deer is the quarry) under the authority of a permit granted by a veterinary inspector and subject to any conditions that may be specified therein."; and

- (b) after paragraph (2) there is added the following paragraph-

"(3) In deciding whether to issue:

- (a) a licence under paragraph (2)(c) above ("case A"); or
- (b) a permit under paragraph (2)(d) above ("case B"),

an inspector, in case A, and a veterinary inspector, in case B, shall comply with any instructions which may have been issued by the Minister in relation to the issue of such licences or permits.".

- (8) In article 37D in paragraph (1) for the words "articles 31, 35 and 37A" there are substituted the words "articles 31, 35, 36 and 37A above".

- (9) In article 41, at the beginning of paragraph (1)(b) the words "Subject to any provision in the licence imposing a contrary requirement on the person moving the animals," are inserted.

Signed on 14th December 2001

Rhodri Morgan

First Secretary, National Assembly for Wales

Signed on 14th December 2001

Alun Michael

Minister of State Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends, as regards Wales, the Foot-and-Mouth Disease Order 1983 (S.I. 1983/1950) as last amended as regards Wales by The Foot-and-Mouth Disease (Amendment) (Wales) (No.12) Order (S.I. 2001/3706 (W.303)), (the "1983 Order").

The principal amendments made to the 1983 Order are as follows-

- (1) The definition of "hunting" in article 3(1) is amended (article 2(3)) so as to substitute for the words "any drag trail" in that definition the words "any drag or other trail";
- (2) Articles 18 and 31 (which respectively regulate the movement of animals in infected and controlled areas declared by the Minister of Agriculture, Fisheries and Food under articles 17 and 30 of the 1983 Order) are amended (articles 2(4) and 2(6)) -
 - (a) by the deletion of paragraph (4) of article 18 and of paragraph (2) of article 31 (provisions dealing with instructions from the Chief Veterinary Officer to local authority inspectors in relation to the issuing of licences for certain classes of animal movement); and
 - (b) so as to make clear-
 - (i) that a person moving animals under a licence granted under either article 18 or 31 must disinfect the vehicle in which the animals are moved in accordance with the requirements of paragraph 3 of Schedule 2 to the 1983 Order and any additional requirements specified in the licence; and
 - (ii) that requirements imposed by articles 18 and 31 on the occupier of premises to which animals are moved under any licence issued thereunder are subject to any contrary requirements imposed by the licence on the person moving the animals;
- (3) Article 29A (which imposes restrictions on certain sporting and recreational activities in an infected area) is amended (article 2(5)) so that a veterinary inspector in considering whether to issue a permit to allow falconry or a licence to allow the shooting of birds is required to comply with any instructions issued by the Minister in relation to the issuing of any such permit or licence; and
- (4) Article 36 (which imposes restrictions on certain sporting and recreational activities in a controlled area) is amended (article 2(7))-
 - (a) so as to allow hunting with dogs (other than hunting for deer) to take place under the authority of a permit issued by a veterinary inspector; and
 - (b) so as to provide that an inspector in considering whether to issue a licence to cull deer and a veterinary inspector in considering whether to issue a permit to hunt shall comply with any instructions issued by the Minister in relation to the issue of any such permit or licence.

A regulatory appraisal has not been prepared for this Order.

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