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STATUTORY INSTRUMENTS

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**2001 No. 572 (W.26)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease (Amendment) (Wales) Order 2001**

*Made at:-*

*1.40pm on 27th February 2001*

*Coming into force at:-*

*2pm on 27th February 2001*

The National Assembly for Wales and the Minister of Agriculture, Fisheries and Food, acting jointly, in exercise of the powers conferred on them by sections 1, 23(b) and 83(2) 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 may be cited as the Foot-and-Mouth Disease (Amendment) (Wales) Order 2001; it applies to Wales and shall come into force on 27th February 2001 at 2pm.

**Amendment to the Foot and Mouth Disease Order 1983**

2.-(1) The Foot and Mouth Disease Order 1983(b) shall be amended, in so far it applies to Wales, in accordance with this article.

(2) Immediately after the definition of "affected animal" in article 3 there shall be inserted the following definition -

""agricultural building" means any building other than domestic premises on any agricultural land and "agricultural land" shall have the same meaning as in section 109 of the Agriculture Act 1947(c);".

(3) Immediately after article 35 there shall be inserted the following articles -

**"Power to close footpaths and to prevent entry onto premises in a controlled area**

**35A.**-(1) Subject to paragraph (2) below, an inspector may, notwithstanding the existence of any public footpath or right of way, prohibit the entry of any person-

- (a) onto any land (including any common, or any unenclosed or waste land); or
- (b) into any agricultural building,

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(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 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). Functions of "the Ministers", so far as exercisable by the Secretary of State for Wales in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) S.I. 1983/1950, as amended by S.I. 1993/3119 and S.I. 1995/2922.

(c) 10&11 Geo 6 c.48

by displaying, or causing to be so displayed, a notice to that effect at every entrance to that land or building.

- (2) No person shall enter any land or building in respect of which a notice is displayed under paragraph (1), other than-
  - (a) the owner of any animal on that land or in that building, or the employee of any such owner or any other person authorised by him or her, who enters for the purpose of tending to that animal; or
  - (b) a person entering the land or building under the authority of, and in accordance with any conditions specified in, a licence granted by an inspector.
- (3) A notice under paragraph (1) above shall be displayed at every entrance to the land or building to which it relates by the inspector, in such manner as will ensure that the restrictions imposed by it are brought to the attention of those persons likely to be affected by them.
- (4) No person shall remove a notice under paragraph (1) except under a licence granted by an inspector.

**Declaration of a prohibited area**

**35B-** (1) If the Minister has confirmed foot and mouth disease in any part of a local authority area, the local authority of that area may by declaration published in such manner as they shall see fit prohibit the movement of any person in or out of an area identified in that declaration except on a public highway open to vehicular traffic.

(2) In the interests of preventing the spread of foot-and-mouth disease in any part of its area, the local authority of an area where foot-and mouth disease has not been confirmed may, after consultation with the Minister, by declaration published in such manner as it sees fit prohibit the movement of any person in or out of an area identified in that declaration except on a public highway open to vehicular traffic.

(3) No person shall enter or leave an area identified in a declaration issued under this article except on a highway open to vehicular traffic."

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

*D. Elis Thomas*

1pm, 27th February 2001

The Presiding Officer of the National Assembly

*Baroness Hayman*

Minister of State,

1.40pm, 27th February 2001

Ministry of Agriculture, Fisheries and Food

## **EXPLANATORY NOTE**

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

This Order amends the foot-and-mouth Disease Order 1983. The effect is to allow inspectors appointed by the Minister of Agriculture Fisheries and Food or a local authority to prohibit by notice the entry of any person (with exceptions) onto any land or into any agricultural building in a controlled area, for the purpose of preventing the spreading of foot-and-mouth disease.

The Order also allows local authorities in areas where foot-and-mouth disease has been confirmed to make declarations prohibiting the movement of persons into or out of specified areas except on highways open to vehicles. In areas where the disease has not been confirmed there is power to make such a declaration after consultation with the Minister.

Contravention of the 1983 Order is an offence under section 73 of the Animal Health Act 1981, and persons found guilty of such an offence are liable to a fine of up to £5000.

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