

2008 No. 1090 (W.116)

ANIMALS, WALES

ANIMAL HEALTH

**The Bluetongue (Wales)
Regulations 2008**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive 2000/75/EC laying down specific provisions for the control and eradication of bluetongue and enforce Commission Regulation (EC) No. 1266/2007⁽¹⁾. They revoke and remake with changes the Bluetongue (No. 2) (Wales) Order 2007⁽²⁾.

The changes are that—

- (a) the Welsh Ministers may, within a restricted zone, declare any area around an infected premises to be a protection zone, and any area beyond such protection zone to be a surveillance zone (regulation 13(1)(b)).
- (b) a person is prohibited from moving an animal in a restricted zone if the animal shows clinical signs of bluetongue on the day of transport (regulation 13(5)).
- (c) the operator of a slaughterhouse in a surveillance zone must obtain a licence if that operator proposes to slaughter animals from a protection zone (regulation 14(3)).
- (d) if bluetongue is confirmed outside Wales, the Welsh Ministers may declare a protection zone and a surveillance zone in Wales (regulation 16).
- (e) unless in an excepted category, a person requires a licence to obtain bluetongue vaccine (regulation 17). Vaccination can only take place if authorised by the Welsh

⁽¹⁾ OJ No L 283, 27.10.2007, p 37.

⁽²⁾ S.I. 2007/3309 (W.294).

Ministers (regulation 18) or where vaccination is required either in a vaccination zone or by notice served on particular premises (regulation 19).

- (f) power is given to the Welsh Ministers to allow a person to take or avoid taking an action otherwise than in accordance with the other provisions of these Regulations for the purpose only of ensuring the health and welfare of any animal (regulation 28).

Part 1 of the Regulations makes provision for exemptions from the requirements of the Regulations, for licences and for the declaration of zones (regulations 3 to 7).

Part 2 of the Regulations provides for the reporting of symptoms of bluetongue (regulation 8), the establishment of restrictions on premises (regulation 9), the establishment of temporary control zones (regulation 10), confirmation of bluetongue on premises (regulation 11), and the establishment of zones and controls on movements of animals within and out of those zones (regulations 12 and 13). Power is given to the Welsh Ministers to license or designate certain slaughterhouses (regulation 14). Movement without a licence of animals from the restricted zone where a notice has been served on the occupier of the premises of destination is prohibited (regulation 15). This Part also provides for the Welsh Ministers to declare zones in Wales when bluetongue is confirmed outside Wales.

Part 3 makes provision for vaccination (regulations 17 to 19).

Part 4 makes provision for enforcement and sets out the offences of obstruction and interference with traps and marks (regulations 20 to 24 and regulation 26). Failure to comply with any requirement or to observe any prohibition in or under these Regulations is an offence (regulation 25). The Regulations are enforced by the local authority, unless the Welsh Ministers direct otherwise (regulation 27).

Part 5 gives power to the Welsh Ministers to permit anything that would otherwise be prohibited or to exempt a person from any requirement under the Regulations, for the purpose of ensuring the health or welfare of any animal (regulation 28).

A regulatory impact assessment of the effect that this instrument will have is available from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

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**The Bluetongue (Wales)
Regulations 2008**

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The Welsh Ministers are designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for the reference to Commission Regulation (EC) No. 1266/2007 (on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain species of susceptible animals in relation to bluetongue⁽³⁾) to be construed as a reference to that Regulation as amended from time to time.

⁽¹⁾ S.I. 2005/2766. By virtue of sections 59(1) and 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006, functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers.

⁽²⁾ 1972 c. 68.

⁽³⁾ OJ No L 283, 27.10.2007, p 37.

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972 and paragraph 1A of Schedule 2 to that Act⁽¹⁾.

PART 1

Introduction

Title, application and commencement

1. The title of these Regulations is the Bluetongue (Wales) Regulations 2008; they apply in relation to Wales come into force on 26 April 2008.

Interpretation

2.—(1) In these Regulations—

“animal” (“*anifail*”) means a ruminating animal (and for the purposes of these Regulations all camelids are considered to be ruminating animals) and “carcase” (“*carcas*”), “embryo” (“*embryo*”), “ovum” (“*ofwm*”) and “semen” (“*semen*”) mean the carcase, embryo, ovum and semen of such an animal;

“control zone” (“*parth rheoli*”) means a zone referred to in regulation 12;

“infected premises” (“*mangre heintiedig*”) means premises on which the existence of bluetongue has been confirmed;

“inspector” (“*arolygydd*”) means an inspector appointed as such by the Welsh Ministers or a local authority for the purpose of these Regulations and, unless the context otherwise requires, includes a veterinary inspector;

“local authority” (“*awdurdod lleol*”) means in relation to an area the county council or county borough council for that area;

“midge” (“*gwybedyn*”) means an insect of the genus *Culicoides*;

“premises” (“*mangre*”) includes any place;

“vaccine” (“*brechlyn*”) means vaccine against bluetongue virus; and

“veterinary inspector” (“*arolygydd milfeddygol*”) means a person appointed as such by the Welsh Ministers for the purposes of these Regulations.

(2) Any authorisation, licence, notice or designation under these Regulations must be in writing, may be subject to conditions and may be amended, suspended or revoked by notice at any time.

(1) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

Exemptions

3. These Regulations do not apply to—

- (a) anything a person is authorised to do by a licence granted under the Specified Animal Pathogens Order 1998⁽¹⁾;
- (b) any quarantine centre or quarantine facility approved under the Animals and Animal Products (Import and Export) (Wales) Regulations 2006⁽²⁾;
- (c) administration of a vaccine for research purposes in accordance with an animal test certificate granted under the Veterinary Medicines Regulations 2007⁽³⁾.

Licences

4.—(1) A person moving anything under the authority of a specific licence granted under these Regulations must—

- (a) carry the licence or a copy of it at all times during the licensed movement;
- (b) on demand by a veterinary inspector, inspector or an officer of the Welsh Ministers, produce the licence or copy and allow a copy or extract to be taken.

(2) A person moving anything under the authority of a general licence granted under these Regulations must—

- (a) carry, at all times during the movement, a consignment note that contains details of—
 - (i) what is being transported, including the quantity;
 - (ii) the date of the movement;
 - (iii) the name of the consignor;
 - (iv) the address of the premises from which the movement started;
 - (v) the name of the consignee;
 - (vi) the address of the premises of destination;
- (b) on demand by a veterinary inspector, inspector or an officer of the Welsh Ministers, produce the consignment note and allow a copy or extract to be taken.

Licences granted outside Wales

5. Except where otherwise directed by the Welsh Ministers and except in respect of a licence to obtain

⁽¹⁾ S. I. 1998/463.

⁽²⁾ S. I. 2006/1536 (W.153).

⁽³⁾ S.I. 2007/2539.

vaccine or a licence to vaccinate, licences granted in Scotland or England for activities which could be licensed in Wales under these Regulations have effect in Wales as if they were licences granted under these Regulations.

Declarations of zones

6. Declarations of zones—

- (a) must be in writing;
- (b) may be amended by further declaration at any time;
- (c) must designate the extent of the zone being declared; and
- (d) may only be revoked by further declaration.

Premises straddling zones

7.—(1) Premises partly inside a temporary control zone and not inside any other zone are treated as being inside the temporary control zone.

(2) Premises partly inside a control zone are treated as being inside that zone.

(3) Premises partly inside a vaccination zone are treated as being inside that zone.

(4) Otherwise—

- (a) if a restricted zone has been divided into a protection zone and a surveillance zone premises partly inside the protection zone and partly inside the surveillance zone are treated as being inside the protection zone;
- (b) premises partly inside a restricted zone and partly inside an area that does not have controls for bluetongue are treated as being inside the restricted zone; and
- (c) premises partly inside a restricted zone and partly inside a temporary control zone are treated as being inside the restricted zone.

PART 2

Suspected and confirmed bluetongue

Initial requirements where bluetongue is known or suspected

8.—(1) The owner or keeper of any animal or carcass, or any person who examines or inspects any animal or carcass, who knows or suspects that the animal or carcass is infected with bluetongue, must—

- (a) immediately notify the Divisional Veterinary Manager; and

- (b) not move any animal or carcase on or off the premises where the animal or carcase known to be or suspected of being diseased is located, except as authorised by an inspector.

(2) A person who analyses a sample taken from any animal or carcase and who finds evidence of antibodies to, or antigens or nucleic acids of, the bluetongue virus or any evidence of vaccination for bluetongue must immediately notify the Divisional Veterinary Manager.

(3) “Divisional Veterinary Manager” (*“Rheolwr Milfeddygol Rhanbarthol”*) means the veterinary inspector appointed by the Welsh Ministers to receive information about animals or carcasses diseased or suspected of being diseased for the area in which such animals or carcasses are situated.

Suspected or infected premises

9.—(1) An inspector who knows or suspects that the bluetongue virus exists on any premises must immediately serve a notice on the occupier or on the keeper of any animals on those premises requiring that—

- (a) no animal, ovum, semen or embryo enters or leaves the premises;
- (b) an inventory of all animals on the premises is made, recording, for each species—
 - (i) the number dead;
 - (ii) the number alive that appear to have bluetongue; and
 - (iii) the number alive which do not appear to have bluetongue;
- (c) the inventory is kept up to date;
- (d) all animals on the premises are kept indoors or as directed by an inspector;
- (e) the premises and animals on them are subjected to the midge control measures specified in the notice.

(2) A veterinary inspector or an inspector acting under the direction of a veterinary inspector may also serve such a notice on the occupier of premises or the keeper of animals on those premises if the veterinary inspector suspects that animals on the premises have been exposed to the bluetongue virus.

(3) The person making the inventory must keep a record of it for at least two years.

Temporary control zones

10.—(1) If an inspector suspects that the bluetongue virus exists on any premises, the Welsh Ministers may declare a temporary control zone.

(2) When a temporary control zone has been established in England which touches the border with Wales the Welsh Ministers may establish an associated temporary control zone in Wales.

(3) The location and size of the temporary control zone is to be such as the Welsh Ministers consider appropriate to prevent the spread of disease.

(4) Where a temporary control zone has been established, no person may move any animal on to or off premises in the zone except in accordance with a licence issued by a veterinary inspector.

(5) A temporary control zone ceases to exist in any area subsequently incorporated into a control zone or a restricted zone.

Confirmation of bluetongue on premises

11. Once a veterinary inspector is satisfied that bluetongue exists on any premises, the veterinary inspector may serve a notice on the occupier or the keeper of any animals on those premises—

- (a) confirming the existence of bluetongue on the premises; and
- (b) notifying the occupier that, notwithstanding regulation 8, it is unnecessary to notify any further suspected cases of bluetongue on the premises to the Divisional Veterinary Manager.

Measures on confirmation of the bluetongue virus

12.—(1) If the Chief Veterinary Officer confirms that the bluetongue virus is circulating in Wales, the Welsh Ministers, on being satisfied on epidemiological, geographical, ecological or meteorological grounds that this is appropriate for disease control purposes, must declare an area to be a control zone.

(2) The control zone must include the infected premises, and be of such size as the Welsh Ministers consider appropriate for disease control purposes.

(3) No person may move an animal to or from premises in a control zone.

Restrictions in protection and surveillance zones

13.—(1) If the Chief Veterinary Officer confirms that the bluetongue virus is circulating in Wales the Welsh Ministers—

- (a) must declare an appropriate area to be a restricted zone;
- (b) may, within a restricted zone, declare any area around an infected premises to be a protection

zone, and any area beyond such protection zone to be a surveillance zone;

(2) No person may move an animal, semen, ovum or embryo out of a restricted zone except under the authority of a licence granted by an inspector.

(3) No person may move an animal out of a protection zone except under the authority of a licence granted by an inspector.

(4) An inspector must grant a licence if the movement is permitted under Commission Regulation (EC) No. 1266/2007 as amended from time to time, and the conditions of any licence must be such as to ensure that the movement is made in accordance with that Regulation.

(5) A person is prohibited from moving an animal within a restricted zone if the animal shows clinical signs of bluetongue on the day of transport.

Slaughterhouses

14.—(1) The Welsh Ministers may designate a slaughterhouse for the purpose of slaughtering animals transported out of a restricted zone.

(2) If an animal is transported from a restricted zone to a slaughterhouse outside that restricted zone in accordance with a licence, the operator of the slaughterhouse must slaughter the animal within 24 hours of arrival.

(3) The operator of a slaughterhouse in a surveillance zone may only slaughter an animal from a protection zone if licensed to do so by the Welsh Ministers.

Subsequent movement of animals

15. If an animal, semen, ovum or embryo that has been in a restricted zone is moved on to premises outside the restricted zone, an inspector may serve a notice on the occupier of those premises, and on the occupier of any premises to which the animal, semen, ovum or embryo is subsequently moved, prohibiting its movement from those premises except under the authority of a licence issued by an inspector.

Bluetongue outside Wales

16. If bluetongue is confirmed outside Wales and the Welsh Ministers consider it appropriate for disease control purposes, the Welsh Ministers may declare in Wales a temporary control zone, a control zone, a protection zone, a surveillance zone or a restricted zone (which may be made up of a protection zone and a surveillance zone).

PART 3

Vaccination

Obtaining vaccine

17. No person other than a holder of a marketing authorisation, a manufacturing authorisation or a wholesale dealer's authorisation granted by the Secretary of State under the Veterinary Medicines Regulations 2007⁽¹⁾ may obtain vaccine except under the authority of a licence granted by the Secretary of State.

Prohibition on vaccination

18. Except where regulation 19 applies, no person may vaccinate an animal against bluetongue except under the authority of a licence granted by the Welsh Ministers.

Compulsory vaccination

19.—(1) The Welsh Ministers may declare a vaccination zone in which any occupier of premises or keeper of animals must ensure the vaccination of their animals and comply with any other measures related to either vaccination or vaccine specified in that declaration.

(2) A veterinary inspector may serve a notice on the occupier of premises or the keeper of animals on premises requiring that occupier or keeper to ensure the vaccination of the animals at the premises.

PART 4

Inspection, offences and enforcement

Powers of veterinary inspectors, officers and inspectors

20.—(1) On producing, if required, a duly authenticated document showing the required authority, a veterinary inspector, inspector or an officer of the Welsh Ministers acting under the direction of a veterinary inspector may, at all reasonable hours, enter any premises, vehicle or vessel for the purpose of monitoring or surveillance for the bluetongue virus, antibodies to the bluetongue virus or midges.

(2) On producing, if required, a duly authenticated document showing the required authority, a veterinary inspector, inspector or an officer of the Welsh

⁽¹⁾ S.I. 2007/2539.

Ministers may, at all reasonable hours, enter any premises, vehicle or vessel for the purpose of ensuring that these Regulations are being complied with.

(3) A person entering premises, a vehicle or a vessel under paragraphs (1) or (2) may take with him or her—

- (a) any equipment; and
- (b) such other person as is appropriate.

(4) Any person entering premises under paragraphs (1) or (2) may take a vehicle with him or her.

(5) A veterinary inspector, inspector or an officer of the Welsh Ministers may—

- (a) detain, isolate or restrain any animal;
- (b) require the detention, isolation or restraint of any animal;
- (c) mark for identification purposes any animal, carcase or thing;
- (d) detain or isolate any thing;
- (e) require the detention or isolation of any thing;
- (f) require any person who knows about an animal's movements to give details of those movements and of any other animal with which it has been in contact;
- (g) require the occupier of premises or keeper of animals on those premises to give details of animals either on those premises or on other premises where the occupier or keeper has animals;
- (h) require the production of any record kept under these Regulations, in whatever form that record is held;
- (i) copy any record referred to in paragraph (f);
or
- (j) inspect and check the operation of any computer and associated apparatus or material used in the connection with the making and keeping of records under these Regulations.

(6) A veterinary inspector or an inspector or officer of the Welsh Ministers acting under the direction of a veterinary inspector may —

- (a) examine any carcase or thing;
- (b) require the treatment of any animal;
- (c) carry out an epidemiological investigation relevant to the control of bluetongue;
- (d) carry out tests and take samples (including blood samples) from any animal, carcase or thing for the purpose of diagnosis or epidemiological investigation;
- (e) trap midges;
- (f) implement midge control measures;

- (g) require the destruction, burial, disposal or treatment of any thing; or
- (h) require the cleansing and disinfection of any part of the premises or of any person, animal, vehicle, vessel or thing on the premises.

(7) A veterinary inspector may—

- (a) on entering any premises, vehicle or vessel under this regulation, examine or vaccinate any animal;
- (b) require, by notice, the occupier of premises or the keeper of animals on premises to —
 - (i) allow the vaccination of any animal kept there;
 - (ii) retain animals for use as sentinel animals or allow the introduction of sentinel animals onto those premises; or
 - (iii) move an animal which has been moved other than in accordance with regulations 13 or 15 to a place specified by the veterinary inspector;

(8) “Sentinel animal” (“*anifail rhybuddio*”) means an animal that is used for surveillance for the bluetongue virus which does not have antibodies to the bluetongue virus of the strain in respect of which surveillance is being carried out when first introduced or retained at the premises.

Obstruction

21.—(1) No person may—

- (a) intentionally obstruct any person acting in the execution of these Regulations; or
- (b) furnish to any person acting in the execution of these Regulations any information which that person knows to be false or misleading.

(2) Any person required to give reasonable assistance or information to a person acting under these Regulations must do so without delay unless there is reasonable cause to do otherwise.

Interference with traps and marks

22. No person may—

- (a) damage, interfere with or remove any traps set for midges under these Regulations; or
- (b) deface, obliterate or remove any mark made by any person under these Regulations.

Costs of compliance

23. Unless the Welsh Ministers direct otherwise in writing, the costs incurred by any person in taking any action required, or in refraining from taking

action that is prohibited, by or under these Regulations must be met by that person.

Powers of inspectors in case of default

24. If any person fails to comply with a requirement in or under these Regulations, an inspector may take such steps as that inspector considers necessary to ensure the requirement is met at the expense of that person.

Offences and penalties

25. A person contravening any requirement or prohibition in or under these Regulations is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment not exceeding three months or both.

Offences by bodies corporate

26.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

that person is guilty of the offence as well as the body corporate.

(2) For the purposes of this regulation, “director” (“*cyfarwyddwr*”), in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Enforcement

27.—(1) These Regulations are enforced by the local authority.

(2) The Welsh Ministers may direct, in relation to cases of a particular description or to particular cases, that the Welsh Ministers will enforce these Regulations instead.

PART 5

Miscellaneous

Exceptional circumstances

28. The Welsh Ministers may for the purpose of ensuring the health or welfare of any animal—

- (a) license a person to carry out any action that is otherwise prohibited under these Regulations;
or
- (b) exempt a person, by notice, from any requirement under these Regulations.

Revocation

29. The Bluetongue (No. 2) (Wales) Order 2007⁽¹⁾ is revoked (except for article 17).

Elin Jones

Minister for Rural Affairs, one of the Welsh Ministers.

16 April 2008

⁽¹⁾ S.I. 2007/3309 (W.294).