



## ANIMAL HEALTH ACT 1996

### **ANIMAL GATHERINGS ORDER 2010**

*Approved by Tynwald: 16<sup>th</sup> November 2010*

*Coming into operation: 1 December 2010*

The Department of Environment, Food and Agriculture makes this Order under sections 1, 5, 6, 46 and 55 of the Animal Health Act 1996<sup>1</sup>:-

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<sup>1</sup> 1996 c.22

**1 Title**

This Order is the Animal Gatherings Order 2010.

**2 Commencement**

If approved by Tynwald<sup>2</sup>, this Order comes into operation on 1 December 2010.

**3 Interpretation**

In this Order—

“the Act” means the Animal Health Act 1996;

“Department” means the Department of Environment, Food and Agriculture;

"animals" means cattle , goats, sheep and pigs;

"animal area" has the meaning given in article 6(3)(c);

"animal gathering" means an occasion at which animals are brought together for one or more of the following purposes—

- (a) a sale, show or exhibition;
- (b) onward consignment within the British Isles;
- (c) inspection to confirm the animals possess specific breed characteristics;

"approved disinfectant" means a disinfectant approved for the time being by the Department;

"equipment" includes pens and hurdles;

“holding” means any establishment, construction or, in the case of an open-air farm, any place in which livestock are held, kept or handled and has been allotted a holding number by the Department;

“inspector” has the same meaning as in section 59 of the Act;

"licensed premises" means premises licensed under article 6(1);

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<sup>2</sup> As required by section 54 of the Act

"paved" means paved with cement, concrete, asphalt or other hard, impermeable material that is capable of being effectively cleansed and disinfected;

"premises" means land with or without buildings thereon and any market, sale-yard, fairground, place of exhibition or lairage;

"sheep autumn breeding sale" means an animal gathering held on a date between 1st August and 31st December for the primary purpose of the sale of breeding sheep;

"veterinary inspector" has the same meaning as in section 59 of the Act

**4 Licences, Notices etc.**

Any licence, approval or notice under this Order must be in writing, may be subject to conditions and may be suspended, amended or revoked in writing at any time.

**5 Exceptions**

This Order does not apply if the animal gathering takes place on a holding owned or occupied by the owner of the animals.

**6 The use of premises for animal gatherings**

(1) No person may use any premises for an animal gathering unless those premises are licensed for that purpose by a veterinary inspector.

(2) An application for a licence must be in writing.

(3) A licence must specify —

(a) the name of the licensee;

(b) the premises on which the animal gathering may take place; and

(c) the area to which animals may be given access ("the animal area").

**7 27-day restriction on when an animal gathering may take place**

Subject to articles 8 and 9, no person may allow an animal gathering to take place on premises on which animals have been kept until 27 days have passed from the day on which —

(a) the last animal left those premises; and

- (b) all equipment to which animals had access has been cleansed of visible contamination, after the last animal has left the premises.

**8 Exemption for premises with a paved animal area**

- (1) The restriction in article 7 does not apply if the animal area of the licensed premises is paved, and is cleansed and disinfected and waste is disposed of in accordance with this article before a further animal gathering is held.
- (2) The cleansing and disinfection—
  - (a) must not begin until all animals have been removed from the part of the animal area to be cleansed and disinfected; and
  - (b) must be completed after the last animal has left the licensed premises and before an animal gathering is held on the premises again.
- (3) All parts of the animal area (including any equipment) must be swept or scraped clean and then cleansed by washing and disinfected with an approved disinfectant.
- (4) The licensee must ensure that all feeding stuffs to which animals had access, and all bedding, excreta, other material of animal origin and other contaminants derived from animals in the animal area are—
  - (a) destroyed;
  - (b) treated so as to remove the risk of transmission of disease; or
  - (c) disposed of so that animals do not have access to them,as soon as possible and before animals are allowed to enter the licensed premises again.
- (5) If, following the last occasion on which the animal area was cleansed and disinfected in accordance with this article, it becomes contaminated with animal excreta or other material of animal origin or any contaminant derived from animals, then the animal area or those parts of it that have become so contaminated must be swept or scraped clean and then cleansed by washing and disinfected with an approved disinfectant before any animals are allowed on to the licensed premises again.

- (6) Where there is a series of animal gatherings on premises with a paved animal area that last no longer than 48 hours in total, the series shall be treated as one animal gathering.

**9 Exemption for sheep autumn breeding sales**

- (1) If licensed premises have a paved animal area, in the case of a sheep autumn breeding sale, the licensee may apply to the Department for an additional licence—
  - (a) to permit sheep at the sheep autumn breeding sale to have access outside the paved animal area; and
  - (b) to hold a further animal gathering within 27 days of the end of the sheep autumn breeding sale.
- (2) The licence must specify the area outside the paved animal area to which the sheep may have access and the date on which that access is permitted.
- (3) The licence must not permit access to any part of the area outside the paved area more than once every 27 days.
- (4) The licence must specify the bio security measures that must be taken.
- (5) The licence does not affect any animal gathering held in the 27-day period after the end of the sheep autumn breeding sale that only takes place on the paved animal area to which article 8 applies.
- (6) Any application made to the Department under paragraph (1) must—
  - (a) be in writing;
  - (b) state the proposed date of the sheep autumn breeding sale;
  - (c) state the proposed date of any animal gathering that the licensee wishes to hold within 27 days of the end of the sheep autumn breeding sale and the nature of that animal gathering; and
  - (d) be received by the Department at least four weeks prior to the beginning of the sheep autumn breeding sale.

## **10 Time limits**

- (1) An animal gathering for the purpose of a sale (whether or not sale is the sole purpose) held on premises with a paved animal area or a sheep autumn breeding sale licensed under article 9 must not last for more than 48 hours, starting at midday.
- (2) A veterinary inspector may by notice extend the period of the animal gathering under paragraph (1) if he is satisfied that—
  - (a) the extension is necessary for animal welfare reasons; or
  - (b) the risk of the introduction of disease into the sale and its subsequent dissemination is low.
- (3) In the case of an animal gathering to which paragraph (1) does not apply, if one of the purposes of the gathering is the bringing together of animals for onward consignment within the British Isles, the gathering must not last for more than 48 hours, starting at midday.

## **11 Change to the starting time of animal gatherings for the purpose of sale**

- (1) In the case of an animal gathering for the purposes of a sale (whether or not sale is the sole purpose) held on premises with a paved animal area or a sheep autumn breeding sale licensed under article 8, the licensee may change the midday starting time by, at least two weeks in advance—
  - (a) notifying the Department of the date and starting and ending time of the animal gathering or sheep autumn breeding sale; and
  - (b) publicising the animal gathering or sheep autumn breeding sale so that those bringing animals to it are made aware of the new starting and ending time.
- (2) If the animal gathering is one of a series of such gatherings, the notification and publication may be for that series.

## **12 Dedicated slaughter sales and dedicated slaughter collections**

- (1) No person may hold a dedicated slaughter sale or a dedicated slaughter collection other than on premises with a paved animal area.
- (2) No person may hold a dedicated slaughter sale or a dedicated slaughter collection as part of an animal gathering held for any other purpose.

- (3) The licensee must notify the Department that he intends to hold a dedicated slaughter sale or a dedicated slaughter collection at least 3 days before the sale or collection.
- (4) The licensee must publicise the animal gathering so that those bringing animals to it are made aware that it is a dedicated slaughter sale or dedicated slaughter collection.
- (5) In this article—
  - (a) a "dedicated slaughter sale" means an animal gathering for the purpose of a sale before onward consignment direct to slaughter in the British Isles;
  - (b) a "dedicated slaughter collection" means an animal gathering for the purpose of onward consignment direct to slaughter in the British Isles.

### **13 Duties on persons at an animal gathering**

When an animal gathering (other than for a show or exhibition) is taking place the provisions of the Schedule (requirements at an animal gathering) have effect.

### **14 Restrictions following an animal gathering**

- (1) The provisions of this article apply once the last animal at an animal gathering has left the licensed premises.
- (2) No person may allow animals on to the licensed premises until all equipment to which animals at the gathering had access has been cleansed of visible contamination.
- (3) No person may remove from the licensed premises any equipment to which animals at the gathering had access unless—
  - (a) the equipment has been cleansed of visible contamination and a period of 27 days has elapsed since the last animal at the animal gathering has left the licensed premises; or
  - (b) the equipment has been swept or scraped clean and then cleansed by washing and disinfected with an approved disinfectant.

**15 Offences**

A person commits an offence under section 46 of the Act if that person, without lawful authority or excuse, proof of which shall lie with them –

- (a) contravenes, or fails to comply with any obligation imposed by, any provision of this Order;
- (b) knowingly causes or permits the doing of anything which constitutes an offence under sub-paragraph (a); or
- (c) makes any entry in a record or statement or gives any information for the purposes of this Order which he or she knows to be false in a material particular or, for those purposes, recklessly make a statement or give any information which is false in a material particular.

MADE 15<sup>th</sup> October 2010

*J P Shimmin*

Minister for Environment, Food and Agriculture



Article 13

**SCHEDULE**

**REQUIREMENTS AT AN ANIMAL GATHERING**

**1 Duties on a licensee**

- (1) The licensee must ensure that any person entering the licensed premises is made aware that the premises are licensed under this Order, whether by means of a system of notices or otherwise.
- (2) The licensee must provide the following at exits from the animal area and at any loading and unloading bay –
  - (a) footbaths containing approved disinfectant; and
  - (b) facilities for removing mud, animal excreta and any other contaminants derived from animals from footwear prior to use of the footbaths.
- (3) The licensee must provide facilities on the licensed premises for changing, cleansing and disinfecting clothes and disposing of disposable clothes.
- (4) The licensee must –
  - (a) ensure that animals are unloaded from, and loaded onto, vehicles only in the animal area; and
  - (b) ensure, so far as is reasonably practicable, that animals do not leave the animal area except on a vehicle.
- (5) In the case of an animal gathering to which the time limits in articles 10 and 11 apply, the licensee must ensure that –
  - (a) no animal is brought on to the premises before the start of the animal gathering; and
  - (b) every animal is removed from the premises by the end of the animal gathering.

## **2 Duties on persons attending the animal gathering**

- (1) No person may enter licensed premises wearing outer clothing or footwear visibly contaminated with mud, animal excreta or any other contaminant derived from animals.
- (2) If a person in the animal area is wearing outer clothing or footwear visibly contaminated with mud, animal excreta or any other contaminant derived from animals, on leaving the animal area he must immediately cleanse that outer clothing or footwear of gross contamination (unless it is to be disposed of) and either —
  - (a) disinfect it;
  - (b) change into clean clothing or footwear;
  - (c) dispose of it; or
  - (d) leave the licensed premises.
- (3) If a person outside the animal area is wearing outer clothing or footwear visibly contaminated with mud, animal excreta or any other contaminant derived from animals, an inspector may serve on him a notice giving him the option of immediately —
  - (a) cleansing his outer clothing or footwear;
  - (b) changing into clean clothing or footwear;
  - (c) disposing of disposable clothing or footwear; or
  - (d) leaving the licensed premises.

## **3 Footwear in the animal area**

Any person leaving the animal area must, using the facilities provided, remove mud, animal excreta and any other contaminant derived from animals from his footwear and then disinfect that footwear in the footbath provided containing approved disinfectant.

#### **4 Vehicles**

- (1) No person may bring on to or take from the licensed premises any vehicle or equipment carried with that vehicle that is visibly contaminated with animal excreta or any other contaminant derived from animals.
- (2) This paragraph does not apply to any vehicle or equipment carried with that vehicle coming on to the licensed premises —
  - (a) if the excreta or other contaminant is only from animals being carried on the vehicle at the time it is brought on to the licensed premises; or
  - (b) solely for cleansing and disinfection, if taken directly to the cleansing and disinfection facilities immediately upon arrival.
- (3) This paragraph does not apply to any vehicle or equipment carried with that vehicle leaving the licensed premises—
  - (a) if the excreta or other contaminant is only from animals which have been unloaded from the vehicle on the licensed premises; or
  - (b) if the excreta or other contaminant is only from animals which were loaded on to the vehicle on the licensed premises.

## EXPLANATORY NOTE

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

This Order makes provision in relation to animal gatherings as follows:

First, where a series of animal gatherings that are held on premises with a paved animal area last no longer than 48 hours in total, those gatherings will be treated as one animal gathering (article 8(6)). Secondly, article 9 provides that a licensee may apply to the Department to allow sheep at a sheep autumn breeding sale to have access to areas outside the paved animal area and for permission to hold further animal gatherings within 27 days of that sheep autumn breeding sale. Thirdly, paragraph 1(2) of the Schedule requires the licensee to provide facilities for removing mud, excreta and other contaminants from animals from footwear, in addition to providing footbaths. Paragraph 3 of the Schedule requires any person leaving the animal area to use those facilities before using the footbath containing approved disinfectant. Fourthly, paragraph 2(1) of the Schedule provides that no person may enter licensed premises with outer clothing or footwear that is visibly contaminated with mud, in addition to animal excreta or any other animal contaminant.

Article 5 provides that this Order does not apply if the gathering takes place on premises owned or occupied by the owner of the animals.

Article 6 requires a licence for animal gatherings. Article 7 specifies that an animal gathering can only take place 27 days or more after the last animal left those premises and those premises and equipment on the premises has been cleaned of visible contamination. If the gathering takes place on paved premises, article 8 makes provision for the cleansing and disinfection of those premises and enables a gathering to take place inside the normal time limits. Article 10 imposes a 48 hour time limit on animal gatherings for the purpose of sale on paved premises and sheep autumn breeding sales and onward consignments on any premises. Article 13 and the Schedule impose duties on persons attending an animal gathering. Article 14 imposes restrictions following an animal gathering. Article 15 deals with offences and enforcement.

Breach of the Order is an offence under section 46 of the Animal Health Act 1996, punishable in accordance with provisions contained in that Act.