



ZOONOSES ORDER 2019

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Statutory Document No. 2019/0358



Animal Health Act 1996

ZOONOSSES ORDER 2019¹

Laid before Tynwald: 8 October 2019

Coming into Operation: in accordance with article 2

The Department of Environment, Food and Agriculture makes the following Order under sections 1, 5, 6(1), 14(1), 18, 22(2) and 46 of the Animal Health Act 1996.

1 Title

This Order is the Zoonoses Order 2019.

2 Commencement

This Order comes into operation on the day after it is made¹.

3 Interpretation

In this Order, unless the context otherwise requires —

“**the Act**” means the Animal Health Act 1996;

“**approved disinfectant**” means a disinfectant for time being listed in the Diseases of Animals (Approved Disinfectants) (England) Order 2007² as amended from time to time and as approved for use under a general order;

“**carcase**” means the carcase of an animal and includes part of a carcase or any portion thereof;

“**designated organism**” means an organism designated under article 4 of this Order for the purposes of section 22 (control of zoonoses) of the Act;

“**feedingstuff**” means feedingstuff whatever its derivation and includes and ingredient used in the preparation of a feedingstuff;

“**infected place**” means premises declared to be an infected place by a notice served under article 6 of this Order;

¹ Section 54 of the Animal Health Act 1996 specifies that the Order shall be laid before Tynwald and if Tynwald at the sitting before which the Order is so laid or at the next following sitting resolves that the Order shall be annulled, the Order shall thereupon cease to have effect.

² SI 2007 No. 448.

“**premises**” includes land;

“**product**” means milk, eggs, wool, meat, offal, dung or other substance directly derived from any animal, whether mixed with any other substance or not, and includes used bedding litter; and

“**veterinary surgeon**” has the same meaning as set out in section 1(1) of the Veterinary Surgeons Act 2005.

4 Designation of organisms for the purposes of section 22 (control of zoonoses)

(1) The following organisms, being organisms which, when carried in animals, constitute in the opinion of the Department a risk to human health, are hereby designated for the purposes of section 22 of the Act, that is to say —

- (a) organisms of the genus *salmonella*; and
- (b) organisms of the genus *brucella*.

(2) The provisions of the Act apply in relation to the presence of a designated organism in any animal as if the presence of the organism were a disease to which the Act applies.

5 Inspections, taking samples, etc.

(1) An inspector who enters any land in exercise of the powers under section 39 (general powers of inspectors) of the Act may —

- (a) carry out such inquiries, examination and tests; and
- (b) take such number of birds and such other samples,

as are necessary to ascertain whether any designated organism exists or has within 56 days existed there.

(2) An inspector may, for the purposes of identification, mark any animal, carcase, product or feedingstuff or other thing in relation to which any of the powers under paragraph (1) above has been exercised.

6 Infected places

(1) Where a veterinary inspector has reasonable grounds for supposing that there is or has been on any premises an animal or animal feedingstuff in which a designated organism is or was present, or the carcase of such an animal or product derived from such an animal, the veterinary inspector may serve a notice on the occupier of the premises declaring them to be an infected place.

(2) A veterinary inspector may, by the same notice as is referred to in paragraph (1) above or by further notice served in the like manner —

- (a) prohibit the movement of any animal, carcase, product or feedingstuff into or out of the infected place except under authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued;
 - (b) prohibit the movement out of the infected place of any dung, droppings, equipment, utensil, appliance, vehicle or other thing except under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued;
 - (c) require any animal, carcase, product or feedingstuff specified in the notice to be detained in such part of the infected place as may be so specified, except that any such animal, carcase, product, feedingstuff may be moved out of the infected place under the authority of a licence issued by a veterinary inspector and in accordance with any conditions subject to which the licence is issued;
 - (d) require any animal, carcase, product or feedingstuff specified in the notice to be isolated from any other animal, carcase, product or feedingstuff or from human beings (other than those persons whose presence is necessary for the purposes of providing care and attention for them).
- (3) A notice served under this article may at any time be revoked or varied by a further notice served by a veterinary inspector on the occupier of the infected place.
 - (4) Any notice which may be served or licence which may be issued by a veterinary inspector under this article may be served or issued by an inspector of the Department acting under the direction of a veterinary inspector.

7 Cleansing and disinfection

- (1) An inspector of the Department may, by notice in writing served on the occupier of an infected place or of any other premises in which a designated organism is known or suspected to have been present, require that person to cleanse and disinfect at his or her own expense or, if the notice so specifies, at the expense of the Department, with an approved disinfectant and in such manner and within such period as may be specified in the notice –
 - (a) all or any part of the infected place or other premises; and
 - (b) any equipment, utensil, appliance, or other thing used there in connection with any animal, carcase, product or feedingstuff.
- (2) An inspector of the Department may, by notice in writing served on the owner or person in charge of any vehicle which is used for the carriage of

any animal, carcass, product or feedingstuff in which a designated organism is known or suspected to have been present, required that person to cleanse and disinfect at his or her own expense or, if the notice so specifies, at the expense of the Department, with an approved disinfectant and in such manner and within such period as may be specified in the notice —

- (a) the vehicle; and
 - (b) any equipment, utensil, appliance or other thing used in connection with such carriage.
- (3) If any person on whom a notice has been served under paragraph (1) or (2) above fails to comply with the requirements of the notice, an officer of the Department may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice and, except where the requirements of the notice are to be carried out at the expense of the Department, the amount of any expenses reasonably incurred by that person in doing so are recoverable as a civil debt by the Department from the person in default.

8 Reporting of presence of designated organisms

- (1) The procedure specified in paragraph (2) or (3) must be followed where the presence of a designated organism is identified in a sample taken from —
 - (a) an animal;
 - (b) an animal carcass;
 - (c) animal products;
 - (d) the surroundings of an animal; or
 - (e) any feedingstuff.
- (2) Where a designated organism is identified in accordance with paragraph (1) by a laboratory examination, the person in charge of the laboratory must forthwith make to the Chief Veterinary Officer a written or oral report containing the particulars specified in the Schedule to this Order.
- (3) Where the presence of a designated organism is identified in accordance with paragraph (1) by a serological or other examination carried out elsewhere than at a laboratory, the person carrying out such examination must forthwith make to the Chief Veterinary Officer a written or oral report containing the particulars specified in the Schedule to this Order.
- (4) Paragraphs (2) and (3) are subject to paragraphs (6) and (7).
- (5) A person who is under an obligation to make a report under paragraph (2) or (3) must, if required by an officer of the Department, supply that officer of the Department with a culture of the designated organism in respect of which that obligation arose.

- (6) Nothing in paragraph (2) or (3) requires a person to make a report where his or her knowledge or suspicion of the presence of a designated organism results from an identification made by or on behalf of the Department.
- (7) Any veterinary surgeon who becomes aware that any animal is affected with any designated organism must forthwith make to the Chief Veterinary Officer a written or oral report containing the particulars specified in Schedule 2 to this Order.
- (8) Where a designated organism has been deliberately introduced into an animal in a research establishment and neither —
- (a) the animal;
 - (b) any animal to which the designated organism might be transmitted;
 - (c) any animal carcass derived from any such animal; or
 - (d) product derived from any such animal,
- is to be sold or otherwise disposed of either for human consumption or for consumption by animals or in any other way which may create a risk to human health, the fact that the presence of the organism is identified in a sample taken from the animal does not give rise to any obligation to make a report under paragraphs (2) or (3).
- (9) For the purposes of this article —
- (a) “animal” means a bull, cow, steer, heifer, calf, horse, deer, sheep, goat, pig, rabbit, domestic fowl, turkey, goose, duck, guinea-fowl, pheasant, partridge, quail or pigeon;
 - (b) “research establishment” means an establishment carrying out research into a designated organism; and
 - (c) each serotype of the genus *salmonella* is regarded as a separate organism and a person is not absolved from an obligation under paragraphs (2) or (3) (as appropriate) to make a report in respect of —
 - (i) an animal;
 - (ii) feedingstuff;
 - (iii) an animal carcass;
 - (iv) animal products;
 - (v) the surroundings of an animal,by reason of the fact that a report in relation to another serotype of the genus *salmonella*, or to salmonella of an unidentified serotype, has already been made in respect of the matters set out in heads (i) to (v) above.

9 Notification of Echinococcus multilocularis

- (1) A person who knows or suspect that an animal or carcass is infected with *Echinococcus multilocularis* must give notice as soon as practicable.
- (2) Notice must be given to the Department.

10 Offences

A person commits an offence if that person —

- (a) defaces, obliterates or removes any mark applied to any animal or carcase under article 5(2) of this Order;
- (b) contravenes any provision of this Order or any provision of a licence issued or notice served under this Order;
- (c) fails to comply with any such provision or with any condition or such a licence or notice; or
- (d) causes or permits any such contravention or non-compliance.

11 Revocation

The Salmonellosis (Notification of Infected Animals) Order 2004³ is revoked.

MADE 23 SEPTEMBER 2019

³ SD 699/04.

SCHEDULE

[Article 8(1) and (2)]

**PARTICULARS REQUIRED TO BE GIVEN IN A WRITTEN OR ORAL REPORT
OF THE PRESENCE OR SUSPECTED PRESENCE OF A DESIGNATED
ORGANISM**

- (1) The known or suspected identity of the organism.
- (2) The nature of the sample from which the designated organism was isolated.
- (3) The address of the premises at which the sample was taken and the name of the owner or person in charge of those premises (stating which).
- (4) The species and type of animal from which the sample was taken, and in the case of a bovine the official identity, (if appropriate).
- (5) The date on which the sample was taken and the date on which the sample was examined.
- (6) The name and address of the person submitting the report.
- (7) In the case of a written report, the signature of the person submitting the report and the date.

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.