

Department for Environment, Food and Rural Affairs

Consultation on a new independent body for animal health: *A modern governance and funding structure for tackling animal diseases*

Annex 2 – Summary of key European and domestic legislation affecting animal health

1. This Annex identifies and summarises the key areas of legislation relevant to the policy, delivery and enforcement functions of a new independent body for animal health in England. It summarises below the key areas of primary legislation under which the more detailed secondary legislation is made.
2. The principal primary legislation is as follows:
 - The Animal Health Act 1981
 - The Animal Health and Welfare Act 1984
 - The Veterinary Surgeons Act 1966
 - The Farriers (Registration) Act 1975
 - The Food Safety Act 1990
 - The European Communities Act 1972

The Animal Health Act 1981

3. The Animal Health Act (“AHA”) consolidated previous legislation in the area of animal health. It provides for a range of measures to survey, eradicate and control the spread of a number of animal diseases. Its measures include those relating to cleansing and disinfection, biosecurity, animal movements, transport, imports and exports, quarantine, vaccination, national control plans, slaughter, destruction, seizure, compensation, powers to take action to combat disease, specific provisions in relation to zoonoses and certain diseases (e.g. FMD, rabies, pleura-pneumonia, cattle plague, swine fever, scrapie, diseases of poultry), horses and welfare in transport, marketing and sale. There are numerous statutory instruments made under the AHA, in particular relating to specific measures to be taken in respect of specific diseases (such as rabies, swine vesicular disease, brucellosis, tuberculosis, African swine fever, enzootic bovine leukosis, warble fly, aujeszky’s disease, zoonoses, anthrax, equine viral arteritis, classical swine fever, avian influenza, Newcastle disease, FMD, bluetongue, salmonella), imports, compensation, animal pathogens, transport of animals, animal gatherings, approved disinfectants and animal identification.

The Animal Health and Welfare Act 1984

4. The Animal Health and Welfare Act (“AHWA”) gives the Secretary of State the power to make statutory instruments in relation to artificial breeding of livestock. Statutory instruments in relation to artificial breeding of pigs and bovines have been made under the AHWA.

The Veterinary Surgeons Act 1966

5. The Veterinary Surgeons Act (“VSA”) makes provision for the management of the veterinary profession, for the registration of veterinary surgeons and veterinary practitioners (including recognising the qualifications of European and foreign veterinary surgeons), for regulating their professional education and professional conduct and for cancelling or suspending registration in cases of misconduct. The Royal College of Veterinary Surgeons (“RCVS”) is established by Royal Charter, but its Council is accorded functions under the VSA. The RCVS is also a registered Charity. The RCVS regulates veterinary surgeons according to the provisions in the VSA and the RCVS Charter. It also has a lesser role in relation to veterinary nurses. A number of statutory instruments are made under the VSA specifying which UK universities are recognised as providing courses of study and examinations leading to a veterinary degree that entitled the holder to registration, specifying various fees to be paid to the RCVS in respect of registration and examinations held by the RCVS, providing for detailed procedural rules in relation to disciplinary proceedings and registration appeals and specifying certain exemptions from the general prohibition on the practice of veterinary surgery by lay persons in addition to those set out in Schedule 3 of the VSA. Defra is currently the lead as concerns this legislation and policy.

The Farriers (Registration) Act 1975

6. The Farriers (Registration) Act (“FRA”) aims to prevent and avoid suffering by and cruelty to horses arising from the shoeing of horses by unskilled persons, to promote the proper shoeing of horses, to promote the training of farriers and shoeing smiths, to prohibit the shoeing of horses by unqualified persons, to provide for the establishment of a Farriers Registration Council (“FRC”) to register persons engaged in farriery and the shoeing of horses (including farriers with European or foreign qualifications) and to suspend registration in cases of misconduct. The FRA establishes the FRC which regulates farriers and farriery training. Statutory instruments setting out the FRC’s procedural rules have been made under the FRA.

Food Safety Act 1990

7. The Food Standards Agency (“FSA”) is responsible for the majority the areas covered by the Food Safety Act 1990 (“FS Act”). However, those aspects of the FS Act that relate to residues in animals and animal products and are currently dealt with by the Veterinary Medicines Directorate (“VMD”) could move to the new body.

The European Communities Act 1972

8. The European Communities Act (“ECA”) provides a power (in section 2(2) ECA) to implement the UK’s EC obligations by statutory instrument where no other such power is available (e.g. under more specific primary legislation). Certain measures in the field of animal health have been made under the ECA, particularly those relating to international trade in animals and products of animal origin, animal identification, animal by-products, certain animal disease vaccination measures, animal disease surveys and monitoring, veterinary medicines, bluetongue and transmissible spongiform encephalopathies.

EC legislation

9. There are also some significant pieces of EC legislation for which the new body would be responsible, in particular those relating to controls of specific animal diseases and zoonoses, imports and exports of animals and products of animal origin, veterinary medicinal products, animal identification, certain aspects of food and feed law, animal by-products, artificial breeding and zootechnical standards.

Legislation relevant to the proposed arm's-length body

Relevant areas of legislation

<i>Areas proposed to be covered by the body</i>	<i>Areas proposed to be excluded</i>
Animal Health	Animal welfare
International trade & international animal health	Areas covered by the Food Standards Agency
Animal ID	Areas relating to fish health (for example, the parts of international animal health that relate to imports and exports of fish/fish products)
Regulation of the veterinary profession	
Zootechnical standards	
Veterinary Medicines Directorate	
Veterinary Laboratories Agency	

Primary legislation (England)

Veterinary Surgeons Act 1966, as amended.

European Communities Act 1972 (c. 68).

Farriers (Registration) Act 1975.

Animal Health Act 1981 (c. 22).

Animal Health and Welfare Act 1984 (c. 40).

Food Safety Act 1990.

Secondary legislation (England)

Under the Veterinary Surgeons Act 1966:

The Veterinary Surgeons (University Degrees) Orders of Council (various recognising universities)

Veterinary Surgeons (Exemption) Order 1962 (S.I. 1962/2557)

Veterinary Surgery (Exemptions) Order 1973 (S.I. 1973/308)

Veterinary Surgeons (Practice by Students) Regulations Order of Council 1981

Veterinary Surgery (Blood Sampling) Order 1983 (S.I. 1983/6)

Veterinary Surgeons (Agreement with the Republic of

	Ireland) Order 1988
	Veterinary Surgery (Epidural Anaesthesia) Order 1992 (S.I. 1992/696)
	Veterinary Surgery (Rectal Ultrasound Scanning of Bovines) Order 2002 (S.I. 2002/2584)
	Veterinary Surgery (Vaccination Against Foot-And-Mouth Disease) Order 2004 (S.I. 2004/2780)
	Veterinary Surgeons (Registration Appeals) Rules Order of Council 2004 (S.I. 2004/2143)
	Veterinary Surgery (Testing for Tuberculosis in Bovines) Order 2005 (S.I. 2005/2015)
	Veterinary Surgeons (Examination of Commonwealth and Foreign Candidates) Regulations Order of Council 2005 (S.I. 2005/3240)
	Veterinary Surgeons and Veterinary Practitioners (Registration) Regulations Order of Council 2005 (S.I. 2005/3517), as amended
	Veterinary Surgery (Artificial Insemination) Order 2007 (S.I. 2007/1315), as amended
<i>Under the European Communities Act 1972</i>	Products of Animal Origin (Import and Export) Regulations 1996 (S.I. 1996/3124), as amended
	The Horse Passports (England) Regulations 2004
	Non Commercial Movement of Pet Animals (England) Regulations 2004 (S.I. 2004/2363)
	The Animal By-Products Regulations 2005 (S.I. 2005/2347)
	Products of Animal Origin (Third Country Imports) (England) Regulations 2006 (S.I. 2006/2841), as amended
	Animals and Animal Products (Import and Export) (England) Regulations 2006 (S.I. 2006/1471), as amended
	The Avian Influenza (Preventive Measures) (England) Regulations 2006
	The Avian Influenza (Vaccination) (England) Regulations 2006
	The Foot and Mouth Disease (Control of Vaccination) (England) Regulations 2006
	Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006
	Zoonoses (Monitoring) (England) Regulations 2007
	The Cattle Identification Regulations 2007
	The Cattle Identification (Amendment) Regulations 2007
	The Veterinary Medicines Regulations 2007 (S.I. 2007/2539)
	The Bluetongue Regulations 2008
	The Transmissible Spongiform Encephalopathies (England) Regulations 2008

	The Products of Animal Origin (Disease Control) (England) Regulations 2008
<i>Under the Farriers (Registration) Act 1975</i>	Farriers Registration Council Disciplinary Committee (Procedure) Rules Approval Instrument 1976 (S.I. 1976/700)
<i>Under the Animal Health Act 1981:</i>	Animals (Miscellaneous Provisions) Order 1927
	Psittacosis or Ornithosis Order 1953
	Diseases (Ascertainment of Compensation) Order 1959
	Swine Vesicular Disease (Compensation) Order 1972
	Swine Vesicular Disease Order 1972
	Rabies Control Order 1974
	Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974
	Rabies (Compensation) Order 1976
	Importation of Animals Order 1977 (S.I. 1977/944).
	Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978
	Importation of Birds, Poultry and Hatching Eggs Order 1979 (S.I. 1979/1702).
	African Swine Fever (Compensation) Order 1980
	Importation of Embryos, Ova and Semen Order 1980 (S.I. 1980/12).
	Importation of Animal Products and Poultry Products Order 1980 (S.I. 1980/14).
	Enzootic Bovine Leukosis (Compensation) Order 1980
	Importation of Animal Pathogens Order 1980 (S.I. 1980/1212).
	Warble Fly (England and Wales) Order 1982
	Aujeszky's Disease Order 1983
	Aujeszky's Disease (Compensation for Swine) Order 1983
	Warble Fly (England and Wales) (Infected Areas) Order 1985
	Warble Fly (Ascertainment of Infestation) (England and Wales) Order 1985
	Infectious Diseases of Horses Order 1987
	Zoonoses Order 1988
	Zoonoses Order 1989
	Poultry (Seizure of Hatching Eggs) Order 1990
	Anthrax Order 1991
	Specified Diseases (Notification and Slaughter) Order 1992
	Diseases of Animals (Seizure) Order 1993
	Animals (Post-Import Control) Order 1995 (S.I. 1995/2439).
	Equine Viral Arteritis Order 1995
Specified Diseases (Notification) Order 1996	
Specified Animal Pathogens Order 1998 (S.I. 1998/463).	

	Brucellosis (England) Order 2000
	Enzootic Bovine Leukosis (England) Order 2000
	Foot-and-Mouth Disease (Ascertainment of Value) (No. 5) Order 2001
	Movement of Animals (Restriction) (England) Order 2002 (S.I. 2002/3229).
	Diseases of Poultry Order 2003
	Transport of Animals (Cleansing and Disinfection) (England) (No 3) Order 2003
	Disease Control (England) Order 2003
	Classical Swine Fever (England) Order 2003
	African Swine Fever (England) Order 2003
	Avian Influenza and Newcastle Disease (Contingency Planning) (England) Order 2003
	Avian Influenza and Influenza of Animal Origin in Mammals (England) (No 2) Order 2006
	Avian Influenza (H5N1 in Poultry) (England) Order 2006
	Avian Influenza (H5N1 in Wild Birds) (England) Order 2006
	Foot-and-Mouth Disease (England) Order 2006
	Equine Infectious Anaemia (Compensation) (England) Order 2006
	Cattle Compensation (England) Order 2006
	Animal Gatherings (England) Order 2006
	Diseases of Animals (Approved Disinfectants) (England) Order 2007 (S.I. 2007/448).
	Bluetongue (Compensation) Order 2007
	Control of Salmonella in Poultry Order 2007
	The Sheep and Goats (Records, Identification and Movement) (England) Order 2007
	Tuberculosis (England) Order 2007
	Diseases of Animals (Approved Disinfectants) (Fees) (England) Order 2008 (S.I. 2008/652).
<i>Under the Animal Health and Welfare Act 1984</i>	Artificial Insemination of Pigs (England and Wales) Regulations 1964 (S.I. 1964/1172).
	Artificial Insemination of Pigs (EEC) Regulations 1992 (S.I. 1992/3161).
	Bovine Embryo (Collection, Production and Transfer) Regulations 1995 (S.I. 1995/2478).
	Bovine Semen (England) Regulations 2007 (S.I. 2007/1319).
	Porcine Semen (Fees) (England) Regulations 2007 (S.I. 2007/2586).
<i>Under the Food Safety Act 1990</i>	Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997 (S.I. 1997/1729)

EC legislation	
EC Regulations	Regulation (EEC) No. 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin.
	Regulation (EC) No. 494/98 laying down detailed rules for the implementation of Council Regulation (EC) 820/97 on the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals
	Regulation (EC) No. 1760/2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef products
	Regulation (EC) No. 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.
	Regulation (EC) No. 1774/2002 laying down health rules concerning animal by-products not intended for human consumption.
	Regulations (EC) No. 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC.
	Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition
	Regulation (EC) No. 2160/2003 of on the control of salmonella and other specified food-borne zoonotic agents
	Regulation (EC) No. 21/2004 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) 1782/2003 and Directives 92/102/EEC and 64/432/EEC
	Regulation (EC) No. 852/2004 on the hygiene of foodstuffs.
	Regulation (EC) No. 853/2004 laying down specific hygiene rules for food of animal origin.
	Regulation (EC) No. 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.
	Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.
	Regulation (EC) No. 911/2004 implementing Regulation (EC) No. 1760/2000 as regards eartags, passports and

	holding registers.
	Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene.
	Regulation (EC) No. 644/2005 authorising a special identification system for bovine animals kept for cultural and historical purposes on approved premises as provided for in Regulation (EC) No. 1760/2000.
	Regulation (EC) No. 1003/2005 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of <i>Gallus gallus</i> and amending Regulation (EC) No 2160/2003.
	Regulation (EC) No. 1168/2006 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in laying flocks of <i>Gallus gallus</i> and amending Regulation (EC) No 1003/2005.
	Regulation (EC) No. 1505/2006 implementing Council Regulation (EC) No. 21/2004 as regards the minimum level of checks to be carried out in relation to the identification and registration of ovine and caprine animals.
	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 animals of susceptible species in relation to bluetongue
EC Directives	Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine.
	Council Directive of 23 November 1970 concerning additives in feeding-stuffs
	Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries.
	Directive 77/391/EEC introducing Community measures for the eradication of brucellosis, tuberculosis and leucosis in cattle.
	Directive 77/504/EEC on pure-bred breeding animals of the bovine species.
	Directive 78/52/EEC establishing the Community criteria for national plans for the accelerated eradication of brucellosis, tuberculosis and enzootic leucosis in cattle.
	Directive of 2 April 1979 on the circulation of compound feedingstuffs
	Directive 87/328/EEC on the acceptance for breeding

	purposes of pure-bred breeding animals of the bovine species.
	Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species.
	Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species
	Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats
	Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species.
	Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the internal market.
	Directive 90/118/EEC on the acceptance of pure-bred breeding pigs for breeding
	Council Directive 90/119/EEC on hybrid breeding pigs for breeding
	Directive 90/167/EEC of 26 March 1990 laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community
	Directive 90/425/EEC concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market.
	Directive 90/426/EEC on animal health conditions governing the movement and import from third countries of equidae.
	Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae.
	Directive 90/429/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species.
	Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness
	Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease
	Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain

	animal diseases and specific measures relating to swine vesicular disease
	Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC
	Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/359/EEC and 86/469/EEC and Decision 89/187/EEC and 91/664/EEC.
	Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries.
	Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue
	Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products
	Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever
	Directive 2002/99/EC laying down the animal health rules governing the production, processing and introduction of products of animal origin for human consumption.
	Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever
	Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption
	Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC
	Directive 2003/99/EC of 17 November 2003 on the monitoring of zoonoses and zoonotic agents
	Council Directive 2005/24/EC with regard to the use of ova and embryos and storage centres for semen from pure-bred breeding animals of the bovine species
	Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC

	Commission Directive 2006/130/EC of 11 December 2006 implementing Directive 2001/82/EC of the European Parliament and of the Council as regards the establishment of criteria for exempting certain veterinary medicinal products for food-producing animals from the requirement of a veterinary prescription
<i>EC Decisions of particular importance</i>	Commission Decision 92/353/EEC laying down the criteria for the approval or recognition of organisations and associations which maintain or establish stud-books for registered equidae.
	Commission Decision 93/623/EEC establishing the identification document (passport) accompanying registered equidae.
	Commission Decision 2000/68/EC amending Decision 93/623/EEC and establishing the identification of equidae for breeding and production.