



Animal Health and Welfare (Scotland) Act 2006 2006 asp 11

PART 1

ANIMAL HEALTH

Powers of slaughter

1 Slaughter for preventing spread of disease

- (1) In the Animal Health Act 1981 (c. 22) (in this Part referred to as the “1981 Act”), after section 32D there is inserted—

“32E Slaughter for preventing spread of disease: Scotland

Schedule 3A to this Act has effect as to slaughter in relation to—

- (a) cattle plague;
- (b) pleuro-pneumonia;
- (c) foot-and-mouth disease;
- (d) swine-fever;
- (e) diseases of poultry; and
- (f) such other diseases as are specified under paragraph 6 of that Schedule.”

- (2) After Schedule 3 to that Act there is inserted—

“SCHEDULE 3A*(introduced by section 32E)***POWER OF SLAUGHTER FOR PREVENTING SPREAD OF DISEASE: SCOTLAND****Cattle plague**

- 1 With a view to preventing the spread of cattle plague, the Scottish Ministers may, if they think fit, cause any animals to be slaughtered.

Pleuro-pneumonia

- 2 With a view to preventing the spread of pleuro-pneumonia, the Scottish Ministers may, if they think fit, cause any cattle to be slaughtered.

Foot-and-mouth disease

- 3 With a view to preventing the spread of foot-and-mouth disease, the Scottish Ministers may, if they think fit, cause any animals to be slaughtered.

Swine-fever

- 4 With a view to preventing the spread of swine-fever, the Scottish Ministers may, if they think fit, cause any swine to be slaughtered.

Diseases of poultry

- 5 With a view to preventing the spread of diseases of poultry, the Scottish Ministers may, if they think fit, cause any animals or birds to be slaughtered.

Additional power of slaughter

- 6 (1) With a view to preventing the spread of such disease of animals as the Scottish Ministers may by order specify, the Scottish Ministers may, if they think fit, cause to be slaughtered any animals, birds or amphibians of such description as they may so specify.
 - (2) A specification of animals under sub-paragraph (1) may include any kind of mammal (except man).
 - (3) In sub-paragraph (1), “disease” is not restricted by its definition in this Act.

Exercise of powers of slaughter

- 7 The Scottish Ministers may, in relation to a disease, exercise a power of slaughter conferred by paragraphs 1 to 6 whether or not the animals, birds or amphibians concerned—
 - (a) are affected with the disease or suspected of being affected with the disease;

- (b) are or have been in contact with animals, birds or amphibians affected with the disease;
- (c) have been in any way exposed to the disease; or
- (d) have been treated with serum or vaccine (or both) against the disease.

Compensation

- 8 (1) The Scottish Ministers must pay compensation, of such amount as they may prescribe by order, in respect of—
- (a) any animals slaughtered under paragraphs 1 to 5; and
 - (b) any animals—
 - (i) of any kind to which a power of slaughter under those paragraphs relates; and
 - (ii) which are slaughtered by virtue of paragraph 6.
- (2) An order under sub-paragraph (1) may make different provision for different cases or classes of case.
- (3) An order under sub-paragraph (1) is subject to annulment in pursuance of a resolution of the Scottish Parliament.

Orders

- 9 (1) No order is made under paragraph 6 unless a draft of the order has been laid before, and approved by a resolution of, the Scottish Parliament.
- (2) But where the Scottish Ministers are of the opinion that there exists—
- (a) an outbreak of a disease of animals not specified in or by virtue of paragraphs 1 to 6; or
 - (b) some other emergency relating to a disease of animals,
- sub-paragraph (1) does not apply in relation to the making of an order under paragraph 6.
- (3) Where sub-paragraph (2) applies, an order made accordingly (an “emergency order”)—
- (a) is to be laid before the Scottish Parliament; and
 - (b) ceases to have effect at the expiry of a period of 28 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by a resolution of the Parliament.
- (4) However, paragraph (b) of sub-paragraph (3) does not apply in relation to an order which—
- (a) revokes (wholly or partly) an emergency order; and
 - (b) does nothing else, or nothing else except make provision incidental or supplementary to the revocation.
- (5) In reckoning for the purposes of sub-paragraph (3)(b) any period of 28 days, no account is to be taken of any period during which the Scottish Parliament is—
- (a) dissolved; or

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- (b) in recess for more than 4 days.
- (6) Sub-paragraph (3)(b) is without prejudice to anything previously done by reference to an emergency order or to the making of a new emergency order.
- (7) An emergency order must include a description of the emergency in relation to which the order is made.
- (8) In sub-paragraph (2), “disease” is not restricted by its definition in this Act.”.

2 Slaughter of treated animals

After section 16A of the 1981 Act there is inserted—

“16B Slaughter of treated animals: Scotland

- (1) Subsection (4) applies to any animal or bird which has been treated with serum or vaccine (or both) for the purpose of preventing the spread of—
 - (a) cattle plague;
 - (b) pleuro-pneumonia;
 - (c) foot-and-mouth disease;
 - (d) swine-fever; or
 - (e) diseases of poultry.
- (2) Subsection (4) also applies to any animal or bird which has been treated with serum or vaccine (or both) for the purpose of preventing the spread of such other disease of animals as the Scottish Ministers may by order specify.
- (3) The references in subsections (1) and (2) to any animal which has been treated mean any kind of mammal (except man); and the power conferred by subsection (4) is exercisable accordingly.
- (4) The Scottish Ministers may, for the purpose of securing (or contributing to the securing of) disease-free status, cause to be slaughtered any animal or bird to which this subsection applies.
- (5) The Scottish Ministers must pay compensation, of such amount as they may prescribe by order, in respect of any animals—
 - (a) slaughtered under subsection (4); and
 - (b) of a kind to which the power of slaughter under that subsection would relate if subsection (3) were omitted.
- (6) An order under subsection (5) may make different provision for different cases or classes of case.
- (7) An order under subsection (5) is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (8) An order made under subsection (2)—
 - (a) is to be laid before the Scottish Parliament; and

- (b) ceases to have effect at the expiry of a period of 28 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by a resolution of the Parliament.
- (9) However, paragraph (b) of subsection (8) does not apply in relation to an order which—
 - (a) revokes (wholly or partly) a previous order; and
 - (b) does nothing else, or nothing else except make provision incidental or supplementary to the revocation.
- (10) In reckoning for the purposes of subsection (8)(b) any period of 28 days, no account is to be taken of any period during which the Scottish Parliament is—
 - (a) dissolved; or
 - (b) in recess for more than 4 days.
- (11) Subsection (8)(b) is without prejudice to anything previously done by reference to an order made under subsection (2) or to the making of a new order under that subsection.
- (12) An order under subsection (2) must refer to the circumstances in relation to which the order is made.
- (13) In subsection (2), “disease” is not restricted by its definition in this Act.
- (14) In subsection (4), “disease-free status” means recognition in accordance with any rule of the European Community or any other international rule that in a particular area no animals or birds of a particular class are infected by a particular disease or class of disease.”.

3 Disease control (slaughter) statement

After section 32E (inserted by section 1 of this Act) of the 1981 Act there is inserted—

“32F Disease control (slaughter) statement: Scotland

- (1) Before exercising, in relation to a particular event or state of affairs (regardless of its geographical extent), a power of slaughter conferred by or under—
 - (a) section 16B of this Act; or
 - (b) Schedule 3A to this Act,the Scottish Ministers must make a statement under this subsection.
- (2) The statement—
 - (a) must—
 - (i) describe the event or state of affairs concerned; and
 - (ii) express the reason why there is (in addition to, or as an alternative to, other courses of action) to be resort to exercise of that particular power for the relevant purpose;
 - (b) may include further information, for example—
 - (i) about factors that have been taken into account (including types of advice to which regard has been had);
 - (ii) as to procedures that are to be followed.
- (3) The Scottish Ministers are to—

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- (a) make the statement in such manner; and
 - (b) publicise the statement to such extent,
- as they consider appropriate.”.