



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

PART 1

ANIMAL HEALTH

Prevention of the spread of disease

5 Tests and samples

After section 6D (inserted by section 4 of this Act) of the 1981 Act there is inserted—

“6E Tests and samples: Scotland

- (1) An inspector may at any time enter any premises in Scotland for the purpose of ascertaining (any or all)—
 - (a) whether—
 - (i) biological indicators of any disease of animals;
 - (ii) biological indicators of any causative agent of a disease of animals,
exist in animals, birds or amphibians on the premises;
 - (b) whether any animals, birds or amphibians on the premises or which were kept there at any time are, or were at the time they were so kept, infected with a disease of animals;
 - (c) whether any causative agent of a disease of animals is present on the premises.
- (2) The inspector may take such samples (including samples from any animals, birds or amphibians on the premises) and carry out such tests as the inspector thinks are necessary for a purpose mentioned in subsection (1).
- (3) In subsections (1) and (2), the references to animals in which biological indicators exist, infected with a disease or from which samples may be taken means any kind of mammal (except man).

Changes to legislation: There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Section 5. (See end of Document for details)

- (4) In this section—
- “biological indicator”—
- (a) in relation to a disease, includes evidence of any form of reaction to the disease;
 - (b) in relation to a causative agent, includes—
 - (i) anti-bodies in reaction to the causative agent;
 - (ii) evidence of any other form of reaction to the causative agent;
- “causative agent”, in relation to a disease, includes any virus, bacterium and any other organism or infectious substance which may cause or transmit the disease;
- “disease” is not restricted by its definition in this Act;
- “inspector” means—
- (a) a person appointed as an inspector for the purposes of this Act by the Scottish Ministers; or
 - (b) a person authorised by the Scottish Ministers for those purposes;
- “premises” includes—
- (a) any land or building; or
 - (b) any other place, in particular—
 - (i) a vehicle or vessel; or
 - (ii) a tent or moveable structure.

6F Samples: further testing

- (1) Where a sample from any animal, bird or amphibian has been taken—
 - (a) under any enactment; and
 - (b) in relation to the monitoring, control or prevention of any disease of animals,

the Scottish Ministers (or a person authorised by them) may carry out such tests using the sample as they think are necessary or expedient for the purposes of the monitoring, control or prevention of any other disease of animals.
- (2) Except in the circumstances described in subsection (3), the power conferred by subsection (1) is not exercisable unless the sample has previously been used for a test authorised under the relevant enactment.
- (3) Those circumstances are—
 - (a) where the Scottish Ministers are of the opinion that there exists an emergency in relation to a disease of animals; and
 - (b) the tests to be carried out under subsection (1) are in connection with the emergency.
- (4) A person who possesses a sample required for the carrying out of a test under subsection (1) must give the sample to the Scottish Ministers (or a person authorised by them) by such time as they may direct.
- (5) In subsection (1), the first reference to an animal means any kind of mammal (except man).
- (6) In this section—

Changes to legislation: There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Section 5. (See end of Document for details)

“disease” is not restricted by its definition in this Act;
“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.

Commencement Information

11 [S. 5](#) in force at 6.10.2006 by [S.S.I. 2006/482](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Animal Health and Welfare (Scotland) Act 2006, Section 5.