
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 165

ANIMALS

ANIMAL HEALTH

**The Foot-and-Mouth Disease (Scotland)
Declaratory (No. 5) Order 2001**

Made - - - - - *25th April 2001*
Coming into force at 5.00 p.m.
on - - - - - *25th April 2001*

The Scottish Ministers, in exercise of the powers conferred by article 17(1) of the Foot-and-Mouth Disease Order 1983⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Foot-and-Mouth Disease (Scotland) Declaratory (No. 5) Order 2001 and shall come into force on 25th April 2001 at 5.00 p.m.

(2) This Order extends to Scotland only.

Declaration of infected area

2. The area described in Schedule 1 to this Order is declared an infected area within the meaning of and to which the provisions of Part III of the Foot-and-Mouth Disease Order 1983 apply as varied in accordance with, and disapplied to the extent set out in, Schedule 2 to this Order.

Enforcement

The provisions of Part III of the Foot-and-Mouth Disease Order 1983 shall, insofar as they are to be enforced in slaughterhouses, be enforced by the Scottish Ministers.

(1) S.I. 1983/1950, as amended by S.I. 1993/3119 and S.I. 1995/2922, and as regards Scotland, by S.S.I. 2001/52, 55 and 101. See article 3(1) for the definition of “the Minister”. The functions of “the Minister”, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46).

Effect of licences issued

4. Licences issued by the Scottish Ministers under the Foot-and-Mouth Disease (Scotland) Declaratory Order 2001⁽²⁾, the Foot-and-Mouth Disease (Scotland) Declaratory (No. 3) Order⁽³⁾ and the Foot-and-Mouth Disease (Scotland) Declaratory (No. 4) Order 2001⁽⁴⁾ before the coming into force of this Order to authorise the movement of animals from premises in the infected area or to authorise the movement of animals on public or private roads in such an area shall have effect from the coming into force of this Order as if issued under the Foot-and-Mouth Disease Order 1983 as varied by this Order.

Revocations

5. The Foot-and-Mouth Disease (Scotland) Declaratory (No. 3) Order 2001⁽⁵⁾, the Foot-and-Mouth Disease (Scotland) Declaratory (No. 4) Order 2001⁽⁶⁾, and Article 3 of the Foot-and-Mouth Disease (Scotland) (Declaratory and Controlled Area) Amendment (No. 4) Order 2001⁽⁷⁾ are revoked.

Pentland House,
Edinburgh
25th April 2001

DAVID R DICKSON
A member of the staff of the Scottish Ministers

(2) S.S.I. 2001/56, as amended by S.S.I. 2001/63, 66, 90, 109, 146 and 149.
(3) S.S.I. 2001/153.
(4) S.S.I. 2001/157.
(5) S.S.I. 2001/153.
(6) S.S.I. 2001/157.
(7) S.S.I. 2001/159.

SCHEDULE 1

Article 2

The infected area shall comprise those parts of the Dumfries and Galloway, Scottish Borders, South Lanarkshire and South Ayrshire council areas, within the following boundaries:—

- (a) from the coast at map ref NW959636, follow the course of Galdenoch Burn to where it forks at map ref NW974636; take the left fork and continue to where it is crossed by the B738 at map ref NW974638; turn right onto the B738 and continue east to its junction with the B7043; turn left onto the B7043 and continue to its junction with the B798; turn right on B798 and continue to its junction with the A718;
- (b) turn left onto the A718 and continue north to where it crosses Sole Burn at map ref NX035645; turn right onto Sole Burn and follow it out into Loch Ryan; Cross Loch Ryan in a north easterly direction to where it meets the A77(T) at the Claddy House Burn at map ref NX072677; turn left onto the A77(T) and continue north to its junction with the B7044 at map ref NX086823; turn right onto the B7044 and continue east to its junction with the B734 at map ref NX122856; turn right onto B734 and continue east until it meets the A714 at map ref NX195874; turn right onto the A714 and continue south east to its junction with the B7027 at map ref NX238820; turn right onto the B7027 and continue south east until its junction with the A714 at map ref NX386674;
- (c) turn right onto A714 and continue south east until it meets the River Cree at map ref NX386673; turn left onto the River Cree and follow its course north to a tributary at map ref NX388683; turn right onto the tributary and follow it east to its junction with a minor road at map ref NX392683; turn right onto the minor road and continue south east to its junction with a track at map ref NX406671; turn left onto the track and continue north east until it meets a footpath at map ref NX414682;
- (d) turn right onto the footpath and continue south-east to meet another track at map ref NX417681; turn right onto this track and continue south to meet Penkiln Burn at map ref NX418678; turn left onto Penkiln Burn and follow its course north-east until it meets a minor road at map ref NX435690; turn right onto the minor road and continue to its junction with another minor road at map ref NX430682; turn left onto the minor road and continue easterly to its junction with the A712;
- (e) turn left onto the A712 and continue north east to its junction with the A762; turn left onto the A762 and continue north to its junction with the A713 at map ref NX614821; turn right onto the A713 and continue south east to its junction with the A702; turn left onto the A702 and continue east and then north east to its junction with the B729; continue east and then north east on the A702 to its junction with the A76(T); turn left onto the A76(T) and continue to its junction with the A702; turn right onto the A702 and continue north east to its junction with the A74(M);
- (f) continue north on the A74(M) to its junction with the A702; turn right onto the A702 and continue north east to its junction with the B7016; turn right onto the B7016 and continue east to its junction with the A701 at map ref NT112367; turn right onto the A701 and continue to its junction with the B712; turn left onto the B712 and continue north east to its junction with the A72, turn right onto the A72 and continue east to its junction with the B7062 at map ref NT251404;
- (g) turn right onto the B7062 and continue to its junction with the B709; turn right onto the B709 and continue south east and then south to its junction with the B711 at map ref NT303177; turn left onto the B711 and continue to its junction with the A7(T) at map ref NT483134; turn left onto the A7(T) and continue to its junction with the B6359; turn right onto the B6359 and continue to its junction with the B6400 at map ref NT544257; turn right onto the B6400 and continue to where it meets a minor road at map ref NT560258; continue north east on the minor road and continue to its junction with the A68(T); turn

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- left onto the A68(T) at map ref NT604290 and continue to its junction with the A699; turn right onto the A699 and continue east to its junction with the B6352 at map ref NT726335;
- (h) turn right onto the B6352 and continue south east to its junction with the B6401; turn left onto the B6401 and continue north-east to where it meets the England/Scotland border; turn left onto the England/Scotland border and follow it north to where it meets the A698 at map ref NT807394; continue east on the A698 to where it crosses the England/Scotland border on the River Tweed; turn right onto the England/Scotland border and continue south-east along the border until it meets the sea at map ref NY153633;
 - (i) from the coastline at Logan Mills at map ref NX117434 where it meets a track, follow the track south west until its junction with the A716; turn right onto the A716 and continue north west to its junction with the B7065; turn left onto the B7065 and continue south west to its junction with a coastal track at map ref NX097412.

Map references are to the Ordnance Survey Landranger 1:50,000 series.

SCHEDULE 2

Article 2

1. Articles 18, 19, 26, 28(2) and 28(3)(b) of Part III of the Foot-and-Mouth Disease Order 1983 do not apply.

2. Part III of the Foot-and-Mouth Disease Order 1983 is varied by the addition of the requirements set out in the following sub-paragraphs:—

- (a) no person shall move animals from the premises on which the animals are kept, except under the authority of a licence issued by the Scottish Ministers or an inspector;
 - no person shall move animals on public or private roads (other than the service roads of premises), except under the authority of a licence issued by the Scottish Ministers or an inspector;
- (c) an inspector may, by licence issued in the form set out in Schedule 3 to this Order, permit, for the purposes of slaughter, the movement within an infected area of animals direct to a slaughterhouse approved by the Scottish Ministers to slaughter animals moved by licence issued under this paragraph;
- (d) a veterinary inspector may, by licence, permit, for the purposes of slaughter, the movement out of an infected area of animals direct to a slaughterhouse approved by the Scottish Ministers to slaughter animals moved by licence issued under this paragraph;
- (e) for the purposes of this paragraph, licences or approvals issued in England or Wales operate as if granted in Scotland;
- (f) where an animal is moved to a slaughterhouse under this paragraph, the occupier of the slaughterhouse shall ensure that the animal is slaughtered at those premises in accordance with any condition relating to slaughter specified in the licence and in any event within 24 hours of arrival there;
- (g) the person in charge of the vehicle in which animals are moved under this paragraph shall ensure that it is thoroughly cleansed and disinfected in accordance with the requirements of paragraph 3 of Schedule 4 to this Order as soon as possible after the animals have been unloaded and, in any case, before the vehicle is moved from the delivery premises;
- (h) the occupier of premises to which animals are moved under this paragraph shall—
 - (i) ensure that the occupier or the occupier's representative is given the licence under which they have been moved before allowing the animals to be unloaded from the vehicle on which they have been transported;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) forward that licence without delay to the local authority responsible for the area in which those premises are situated and, in the case of a slaughterhouse, provide a copy to the official veterinary surgeon appointed for those premises;
- (iii) retain a copy of that licence for a period of not less than 6 months and produce it upon request for inspection by an inspector;
- (iv) provide adequate facilities, equipment and materials for the cleansing and disinfection of the vehicle that delivered the animals to the premises in accordance with this paragraph;
- (i) no person shall transport animals through the infected area, except if the animals are transiting through that area by motorway, trunk road or railway;
- (j) no person shall seek to carry out breeding of animals by means of itinerant service;
- (k) no person shall seek to carry out breeding of animals by means of artificial insemination, other than with semen that is on the premises on which the animals are kept or with semen delivered directly to those premises by an insemination centre, except under the authority of a licence issued by the Scottish Ministers or an inspector;
- (l) no person shall use any premises for fairs, markets, shows or other gatherings of animals;
- (m) article 20 of the Foot-and-Mouth Disease Order 1983 shall not apply if the slaughterhouse or knackery product is controlled by and the movement is for the purpose of disposal in accordance with—
 - (i) the Specified Risk Material Order 1997⁽⁸⁾;
 - (ii) the Specified Risk Material Regulations 1997⁽⁹⁾; or
 - (iii) the Animal By-Products Order 1999⁽¹⁰⁾;
- (o) no person shall move any carcase (other than the carcase of an animal slaughtered for human consumption or a suspect BSE or scrapie carcase destined for disposal) from premises other than a slaughterhouse or a knacker's yard, except under the authority of a licence issued by the Scottish Ministers;
- (p) no person shall move, or cause to be moved, into, out of or within an infected area any embryo, ovum or semen, except with the written approval of a veterinary inspector and subject to such conditions as may be specified therein;
- (r) the owner or person in charge of an animal shall take all such steps as may be necessary to prevent it from straying from the premises on which it is kept;
- (s) if an inspector finds a stray or feral animal, that inspector may detain it, and if the owner cannot be ascertained after reasonable enquiries, the animal may be destroyed by the inspector.

3. In this Schedule, terms used which are also used in the Foot-and-Mouth Disease Order 1983 shall have the same meaning in this Schedule as they do in that Order.

⁽⁸⁾ S.I. 1997/2964, as amended, as regards Scotland, by S.S.I. 2000/344 and 2001/4.

⁽⁹⁾ S.I. 1997/2965, as amended by S.I. 1997/3062, S.I. 1998/2045 (itself amended by S.I. 1998/2431), S.I. 1999/539 and, as regards Scotland, by S.S.I. 2000/62, 345, 2001/3 and 86.

⁽¹⁰⁾ S.I. 1999/646.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 3

Article 2, paragraph 2(c) of Schedule 2

ANIMAL HEALTH ACT 1981
FOOT-AND-MOUTH DISEASE ORDER 1983 LICENCE FOR THE MOVEMENT OF ANIMALS TO SLAUGHTER

PART 1

1. AUTHORISATION

I, the undersigned,

being an *Inspector of the Scottish Ministers *Inspector of the Local Authority for the of (*delete as appropriate)

by this licence granted under the above Order hereby authorise the movement of the animals described in column 2 below to the place of destination specified in column 4 below, subject to the conditions set out below.

1	2	3	4
		FROM	TO
<i>(insert name and address of the person to whom this licence is granted)</i>	is hereby licensed to move <i>(insert number and description of animals (including ear tag number if applied to be moved; from 1))</i>	<i>(insert full address of premises including holding number from which the animals are to be moved (if different from 1))</i>	<i>(insert full address of premises to which the animals are to be moved)</i>

<i>Specified</i>	<i>Route</i>
.....
.....
.....

The animals to which this licence relates must be slaughtered within hours *(specify time, which shall be a number of hours not more than 24)* of arrival there.

This licence is granted subject to the conditions set out below. Failure to comply with such conditions may render a person liable to prosecution and heavy penalties on conviction. Your attention is also drawn to the Note below

Part III of this licence must be completed within 5 days including the day of issue of this licence.

This licence may be revoked at any time by a Notice served by an Inspector on the person to whom it was granted.

Signed

Dated

Official Address

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2. CONDITIONS OF LICENCE

1. Before being moved, animals to which this licence relates shall be marked as follows:–
 - CATTLE (including water buffalo and bison): A broad arrow, 15 cm long, clipped on left hindquarter, and hair clipped off end of tail.
 - SHEEP AND GOATS: A single red stripe, 30 cm long and 2 cm wide, painted with adhesive composition, or in such manner that it will remain legible for the entire length of the journey, down the centre of the sheep's or the goat's back
 - PIGS AND WILD BOAR: A single red stripe, 30 cm long and 2 cm wide, painted with adhesive composition, or in such manner that it will remain legible for the entire length of the journey, down the centre of the pig's or the wild boar's back.
 - DEER: A single red stripe, 60 cm long and at least 5 cm wide, painted with adhesive composition, or in such manner that it will remain legible for the entire length of the journey, down the centre of the deer's back.
2. A veterinary inspection must be carried out by a Local Veterinary Inspector (LVI) not more than 24 hours prior to the start of the licensed movement. The LVI will inspect all the animals to be moved (which must be marked as at Condition 1) and those in contact with them as well as other susceptible animals, other than those on remote grazings, for signs of Foot-and-Mouth Disease. The LVI must complete a written declaration at Part II of the licence.
3. Where no time period is specified for the completion of this licence, it shall be completed within 5 days or such shorter period as may be specified by an inspector.
4. Where no time limit is specified for the slaughter of the animals, they shall be slaughtered within 24 hours of arrival at the slaughterhouse or such shorter period as may be specified by an inspector.
5. The animals to which this licence relates shall
 - (a) while being moved, be kept separate from any animal not being moved under this licence;
 - (b) be moved only by the most direct route available to the place of destination specified in the licence;
 - (c) be moved so as not to leave the infected area (a specified route must be inserted overleaf) and the route taken and the place of destination chosen must not be such as to require a scheduled stop; and
 - (d) be accompanied throughout their movement by this licence which shall be handed to the operator of the premises to which they are delivered (or the representative of that operator) before the animals are unloaded
6. The Declaration in Part III of this licence shall be completed on the day the animals are moved but before the animals leave the premises.
7. Where an animal is moved to a slaughterhouse under the authority of a licence granted by an inspector, it shall be slaughtered there in accordance with any condition relating to slaughter specified in this licence.
8. The vehicle transporting the animals to the slaughterhouse or collecting centre shall be thoroughly cleansed and disinfected before leaving those premises in accordance with the requirements of Schedule 2 to the Foot-and-Mouth Disease Declaratory (Controlled Area) (Scotland) (No. 3) Order 2001 (S.S.I. 2001/111), which Order varies the provisions of Part IV of the Foot-and-Mouth Disease Order 1983 (S.I. 1983/1950).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

NOTE:

Any person involved in the movement or slaughter of animals under Part III of the Foot-and-Mouth Disease Order 1983 (as amended) must comply with any provisions of the following legislation applicable to them:

- The Welfare of Animals (Transport) Order 1997 (as amended)
- The Transport of Animals (Cleansing and Disinfection) (Scotland) Order 2000
- The Welfare of Farmed Animals (Scotland) Regulations 2000
- The Diseases of Animals (Approved Disinfectants) Order 1978 (as amended)
- The Cattle Identification Regulations 1998 (as amended)
- The Cattle (Identification of Older Animals) (Scotland) Regulations 2001
- The Pigs Records, Identification and Movement Order 1995
- The Sheep and Goats Identification (Scotland) Regulations 2000.

This licence shall be produced on demand to an inspector or other officer of the Scottish Ministers or local authority or to a constable, who may take a copy thereof or an extract therefrom, and may also require the person in charge of the animals to which this licence relates to furnish the name and address of that person.

THIS LICENCE IS VALID FOR A PERIOD OF 5 DAYS FROM THE DATE OF ISSUE (OR SUCH SHORTER PERIOD AS MAY BE SPECIFIED BY AN INSPECTOR). HOWEVER, IT CANNOT BE USED UNTIL THE OWNER/ KEEPER DECLARATION HAS BEEN SIGNED AND THE MOVEMENT MUST BE COMPLETED ON THE DAY THE DECLARATION IS SIGNED

FAILURE TO COMPLY WITH ANY OF THESE PROVISIONS MAY RENDER A PERSON LIABLE TO PROSECUTION AND HEAVY PENALTIES ON CONVICTION.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART II

DECLARATION BY A LOCAL VETERINARY INSPECTOR

Name and address of owner/keeper:

Premises where animals are located:

I have inspected the animals to be moved under this licence, those in contact with them and all other susceptible animals on the holding, with the exception of remote grazings, they show no clinical signs of Foot-and-Mouth disease and those to be moved are fit for the intended journey.

Official stamp:

Signed.....RCVS

Print Name.

Local Veterinary Inspector

Date of inspection / /

Time of inspection.....

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART III

OWNER/ KEEPER DECLARATION

(This Part must be completed by the owner or keeper of the animals on the day they are to be moved but before they leave the premises on which they are kept)

I (full name of owner or keeper of animals to be moved)

of (address of owner or keeper)

declare that

- 1. The movement will begin no later than 24 hours from the certification at Part II of the licence.
- 2. I have made arrangements with the approved slaughterhouse (delete as appropriate) for the animals to be received there today, the day of,, 2001
- 3. (Other than for collecting centres) The last date on which any animals were moved on to the premises from which the animals to be moved under this licence are kept was..... (insert date)

Signed

 Print Name

 (*Owner/*keeper) (*delete as appropriate)
 Dated

SCHEDULE 4

Article 2, paragraph 2(g) of Schedule 2

CLEANSING AND DISINFECTION OF MEANS OF TRANSPORT

Level of cleansing and disinfection

1. All cleansing and disinfection shall be carried out so as to reduce so far as reasonably practicable the risk of transmission of disease.

Parts of the means of transport required to be cleansed

- 2.—(1) In the case of animals not transported in a container—
- (a) whether or not they are soiled, all the inside surfaces of those parts of the means of transport in which the animals are transported, and all parts of the means of transport to which the animals may have had access during the journey, shall be cleansed; and
 - (b) the following shall be cleansed if they are soiled:—
 - (i) any detachable fittings not used during the journey;
 - (ii) any other part of the means of transport;
 - (iii) any equipment carried during the journey for use with the animals.
- (2) In the case of animals transported in a container, the interior of the container shall be cleansed whether or not it is soiled, and the exterior of the container and any parts of the means of transport carrying the container shall be cleansed if they are soiled.

Method of cleansing

3. Cleansing shall be by removing any feedingstuffs to which the animals have had access, bedding, excreta and other material of animal origin, mud and other contaminants using any appropriate means, and then cleaning with water, steam or where appropriate chemicals or chemical compounds (or, if necessary, any combination of these) until free of dirt.

Disinfection after cleansing

4. Everything required to be cleansed under this Order shall be disinfected after cleansing has been completed, using a disinfectant approved under the Diseases of Animals (Approved Disinfectants) Order 1978(11) and listed as being suitable for the control of Foot-and-Mouth Disease—
- (a) at the concentration required under that Order for “General Orders”; or
 - (b) where no concentration is specified for “General Orders”, at the concentration required for “Foot-and-Mouth Disease Orders”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes, with variations, the restrictions contained in Part III of the Foot-and-Mouth Disease Order 1983 (S.I.1983/1950) within the infected area described in Schedule 1.

A map depicting the infected area may be inspected between 9.00 a.m. and 5.00 p.m., Monday to Friday at the Scottish Executive Rural Affairs Department, Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TW.

This Order consolidates the Orders revoked in article 5 and amends the territorial extent of the infected area.

(11) S.I. 1978/32 as amended by S.I. 1999/919 and as further amended in relation to Scotland only by S.S.I. 2001/45 and S.S.I. 2000/51

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.