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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 261**

**ANIMALS**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease (Control of Vaccination) (Scotland) Regulations 2001**

<i>Made</i>	- - - -	<i>9th July 2001</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>11th July 2001</i>
<i>Coming into force on</i>	- -	<i>10th July 2001</i>

The Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Foot-and-Mouth Disease (Control of Vaccination) (Scotland) Regulations 2001 and shall come into force on 10th July 2001.

(2) These Regulations extend to Scotland only.

**Interpretation**

2. In these Regulations—

“animal” means any animal of the bovine, ovine, caprine or porcine species or any other biungulate;

“the Directive” means Council Directive [85/511/EEC](#) introducing Community measures for the control of foot-and-mouth disease<sup>(2)</sup> (as amended by Council Directive [90/423/EEC](#) of 26 June 1990<sup>(3)</sup>);

“inspector” means a person appointed by the Scottish Ministers or a local authority to be an inspector for the purposes of these Regulations;

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(1) [1972 c. 68](#). Section 2(2) was amended by the Scotland Act [1998 \(c. 46\)](#), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) O.J. No. L 315, 26.11.95, p.11, to which there are amendments not relevant to these Regulations.

(3) O.J. No. L 224, 18.8.90 p.13.

“local authority” means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994(4).

### **Vaccination against foot-and-mouth-disease**

3.—(1) No person shall vaccinate an animal against foot-and-mouth disease except in accordance with the conditions of a licence granted by the Scottish Ministers.

(2) This regulation shall not apply to any person licensed to handle foot-and-mouth disease virus by the Scottish Ministers under article 4 of the Specified Pathogens Order 1998(5).

### **Powers of inspectors**

4.—(1) An inspector shall, on producing, if required to do so, some duly authenticated authorising document, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on the premises any contravention of these Regulations.

(2) An inspector shall have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may—

- (a) carry out inspections of and take blood samples from any animals on the premises;
- (b) be accompanied by a representative of the European Commission acting for the purposes of the Directive.

(3) In this regulation “premises” includes any place, installation, vehicle (including any container, trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle), train, ship, vessel, boat, craft, hovercraft or aircraft.

### **Obstruction**

5.—(1) No person shall—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of carrying out functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which is known to be false or misleading when it is furnished.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate that person.

### **Offences by bodies corporate**

6.—(1) Where an offence under these Regulations committed by a body corporate or a partnership is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of any director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity (or in the case of a partnership, a partner or a person who was purporting to act as such), that officer or person as well as the body corporate or the partnership, as the case may be, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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(4) 1994 c. 39.

(5) S.I.1998/463.

(2) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (1) shall apply in relation to the acts and defaults of a member in connection with the members' functions of management as if the member were a director of the body corporate.

### **Offences and Penalties**

7.—(1) A person contravening these Regulations shall be guilty of an offence.

(2) A person guilty of an offence under regulation 5(1)(a) or (b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(3) A person guilty of any other offence under these Regulations shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

### **Enforcement**

8. These Regulations shall be enforced by the local authority or the Scottish Ministers.

Pentland House,  
Edinburgh  
9th July 2001

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

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement in Scotland Council Directive [85/511/EEC](#) as amended by Council Directive [90/423/EEC](#).

These Regulations prohibit vaccination against foot-and-mouth disease in Scotland except in accordance with the conditions of a licence issued by the Scottish Ministers (regulation 3), but exempting vaccination licensed under the Specified Pathogens Order 1998 by the Scottish Ministers.

Breach of the Regulations is an offence. A person guilty of an offence under regulation 3 is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both (regulation 7).

The Regulations make provisions for powers of inspectors and offences of obstruction in relation to the enforcement of these Regulations (regulations 4 and 5). A person guilty of an offence of obstruction is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both (regulation 7).

The Regulations make provision for offences by bodies corporate (regulation 6).

The Regulations are enforced by the local authority or the Scottish Ministers (regulation 8).

A Regulatory Impact Assessment has not been prepared for these Regulations.