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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 173**

**The Swine Vesicular Disease (Scotland) Order 2009**

**PART 2**

**General**

**Power to slaughter**

4. Section 32 of the Animal Health Act 1981 applies to swine vesicular disease.

**Epidemiological inquiry**

5.—(1) Where an epidemiological inquiry is required under this Order, it must try to establish at least—

- (a) the length of time that swine vesicular disease virus may have existed on premises;
- (b) the origin of that virus;
- (c) the identification of other premises contaminated with that virus from the same source;
- (d) the movement of any person or thing which could have carried that virus to or from the premises; and
- (e) the possibility that pigs living in the wild may be involved in the spread of that virus.

(2) An epidemiological inquiry must, unless discontinued under this Order, proceed until the facts relevant to the inquiry are, so far as is practicable, established.

**Cleansing and disinfection**

6. Cleansing and disinfection required under this Order must be carried out in such a way as to minimise the risk of spread or survival of swine vesicular disease virus.

**Duty to comply with conditions**

7.—(1) A person who does any thing, or carries out an activity, authorised by or required under a measure must comply with any condition of that measure relating to the thing or activity.

(2) In this article, “measure” means an approval, declaration, designation, direction, licence or notice given or granted under this Order.

**Declarations of zones**

8.—(1) A declaration of a zone under this Order must be in writing, and—

- (a) must specify the extent of the zone being declared;
- (b) may be subject to conditions or other measures necessary to prevent the spread of swine vesicular disease;

- (c) may, unless specified otherwise in this Order, be amended, suspended or revoked by further declaration.
- (2) Any premises—
  - (a) partly inside a protection zone are treated as being inside that zone;
  - (b) in both a surveillance zone and a free area are treated as being inside that zone;
  - (c) in both a temporary control zone and a free area are treated as being inside that zone;
  - (d) partly inside a vaccination zone are treated as being inside that zone.

### **Approvals and other measures**

- 9.** An approval, declaration, designation, direction or notice under this Order must be in writing, and may be—
- (a) subject to conditions or other measures necessary to prevent the spread of swine vesicular disease; and
  - (b) amended, suspended or revoked in writing at any time.

### **Licences**

- 10.**—(1) A licence granted under this Order must be in writing, and may be—
- (a) general or specific;
  - (b) subject to conditions necessary to prevent the spread of swine vesicular disease; and
  - (c) amended, suspended or revoked in writing at any time.
- (2) A person moving anything under the authority of a specific licence must—
- (a) carry the licence or a copy of it at all times during the movement;
  - (b) on demand by an inspector or an officer of the Scottish Ministers or a constable, produce the licence or copy and allow a copy or extract to be taken; and
  - (c) keep the licence for at least 6 months after the movement.
- (3) A person moving anything under the authority of a general licence must—
- (a) carry, at all times during the movement, a consignment note specifying—
    - (i) what is being transported, including the quantity;
    - (ii) the date of the movement;
    - (iii) the names of the consignor and consignee;
    - (iv) the address of the premises of origin and destination;
  - (b) on demand by an inspector or an officer of the Scottish Ministers or a constable, produce the consignment note and allow a copy or extract to be taken; and
  - (c) keep the consignment note for at least 6 months after the movement.
- (4) A licence granted in England or Wales for an activity which could be licensed under this Order shall, unless the Scottish Ministers direct otherwise, have effect in Scotland as if it were a licence granted under this Order.

### **Service of notices**

- 11.** A notice to be served on an occupier of premises is so served—
- (a) if served on a person appearing to the server to have responsibility for the premises or for a pig on the premises; or

- (b) if served by leaving the notice fixed to a prominent building or object on the premises when—
  - (i) the name and address of an occupier cannot, after reasonable inquiry, be ascertained; and
  - (ii) there is no person at the premises on whom service can be effected in accordance with paragraph (a).

### **Animal health or welfare**

**12.** The Scottish Ministers may for the purpose of ensuring the health or welfare of any animal—

- (a) license a person to carry out any action that is otherwise prohibited under this Order; or
- (b) exempt a person, by notice, from any requirement under this Order.

### **Warning signs**

**13.—**(1) A warning sign must be erected and maintained in accordance with this article.

(2) A warning sign—

- (a) must be erected by the occupier of—
  - (i) suspected premises, on designation of the premises; or
  - (ii) infected premises, on declaration under article 22,at each entrance to the premises, and in compliance with any direction by an inspector;
- (b) must state that unauthorised entry to the premises is prohibited;
- (c) must be maintained by the occupier;
- (d) must be removed by the occupier immediately after the premises cease to be—
  - (i) suspected premises, and are not declared to be infected premises; or
  - (ii) infected premises;
- (e) may be erected or removed by a veterinary inspector or inspector.

(3) A veterinary inspector or inspector who erects or removes a warning sign may recover the cost of doing so from the occupier.