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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 173**

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

**PART 4**

Disease control measures

CHAPTER 1

Notification

**Notification of suspicion**

**16.**—(1) A person in possession or charge of, or who inspects or examines, a pig or carcase, and who suspects that the pig is infected or the carcase is contaminated with swine vesicular disease virus must immediately notify the Divisional Veterinary Manager.

(2) A person who examines a sample taken from a pig or carcase who—

- (a) suspects that the pig is infected or the sample is contaminated with swine vesicular disease virus; or
- (b) detects evidence of antibodies to, or antigens of, or a fraction of, that virus,

must immediately notify the Divisional Veterinary Manager.

**Controls on notification**

**17.**—(1) This article applies to a person in possession or charge of a pig or carcase who gives notification under article 16.

(2) That person must ensure that, unless approved by a veterinary inspector—

- (a) no pig or carcase is moved to or from the premises where the pig or carcase in respect of which notification was made is located; and
- (b) no thing likely to spread swine vesicular disease is moved to or from those premises;
- (c) a person who has contact with a pig or carcase on those premises takes, before leaving the premises, the biosecurity measures needed to reduce the risk of spread swine vesicular disease; and
- (d) a person who is on a part of those premises that may be contaminated with swine vesicular disease virus takes such biosecurity measures.

(3) This article applies until—

- (a) a veterinary inspector informs a person to whom it applies (orally or otherwise) that the presence of the virus is not suspected; or
- (b) the premises on which the pig or carcase in respect of which notification was made is kept are designated as suspected or infected premises.

## CHAPTER 2

### Suspicion

#### **Suspected premises**

**18.**—(1) An inspector must by notice to the occupier designate premises as suspected premises on suspicion that—

- (a) a pig on the premises has been exposed to swine vesicular disease virus;
  - (b) a pig on the premises has been infected, or carcase on the premises contaminated, with swine vesicular disease virus (whether or not after notification under this Order); or
  - (c) the premises have been exposed to, or are contaminated with, swine vesicular disease virus.
- (2) Schedule 1 shall apply to suspected premises.
- (3) A veterinary inspector must on suspected premises being designated—
- (a) immediately take all steps, including testing needed to determine whether or not any ground for suspicion is established; and
  - (b) commence an epidemiological inquiry.

(4) Paragraph (1) does not apply during any period in which measures on suspicion of foot-and-mouth disease under Schedule 2 to the Foot-and-Mouth Disease (Scotland) Order 2006<sup>(1)</sup> apply to premises that would otherwise be designated as suspected premises.

#### **Temporary control zone**

**19.**—(1) The Scottish Ministers may on a designation as suspected premises declare a temporary control zone around the premises.

(2) The zone must be of such extent as the Scottish Ministers consider necessary to prevent or reduce the risk of the spread of swine vesicular disease.

(3) No person shall move a pig from premises in the zone, except in accordance with a licence granted by a veterinary inspector.

(4) The declaration may apply, in all or part of the zone, such other measure of a type listed in Schedule 1 as the Scottish Ministers consider necessary to prevent or reduce the risk of the spread of swine vesicular disease.

- (5) The zone ceases to exist—
- (a) on revocation of the designation as suspected premises, or (if more than one) the last such premises in the zone;
  - (b) in respect of any area subsequently incorporated into a protection or surveillance zone.

#### **Suspicion not established**

**20.**—(1) This article applies if a veterinary inspector is satisfied that a suspicion that led to a designation as suspected premises is not established.

- (2) The veterinary inspector may by notice to the occupier of the premises require the occupier to—
- (a) cleanse and disinfect any part of the premises, or any thing on the premises;
  - (b) carry out any other measure that the veterinary inspector considers necessary in order to reduce or prevent the risk of the spread of swine vesicular disease.

(3) The veterinary inspector must—

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(1) S.S.I. 2006/44, amended by S.S.I. 2007/429 and 455.

- (a) by notice to the occupier revoke the designation as suspected premises—
  - (i) with immediate effect; or
  - (ii) forthwith after a condition in paragraph (2) is met; and
- (b) discontinue the epidemiological inquiry in respect of those premises.

### **Seropositive pigs**

- 21.**—(1) This article applies if—
- (a) testing at suspected premises shows that there are seropositive pigs on the premises; and
  - (b) the suspicion in respect of swine vesicular disease virus is not established.
- (2) The Scottish Ministers must undertake further investigations, and in particular must—
- (a) take further samples after a period of at least 28 days from the date of the last seropositive sample; and
  - (b) test those samples.
- (3) The Scottish Ministers must if any test shows that swine vesicular disease exists, confirm that the premises are infected premises.
- (4) The Scottish Ministers must, if the last test carried out under paragraph (2) shows no evidence of swine vesicular disease virus, ensure that all seropositive pigs are—
- (a) killed and destroyed under the supervision of an inspector; or
  - (b) slaughtered, separately from other pigs, in a slaughterhouse approved for that purpose by the Scottish Ministers.
- (5) A veterinary inspector must revoke the designation as suspected premises following destruction or slaughter of pigs under paragraph (4).

## **CHAPTER 3**

### **Infection**

#### **Infected premises**

- 22.**—(1) The Scottish Ministers must, taking account of any results from testing at suspected premises, declare premises to be infected premises if—
- (a) swine vesicular disease virus is isolated in a pig or on the premises;
  - (b) a seropositive pig and, in addition, a pig showing clinical signs of swine vesicular disease are on the premises; or
  - (c) there is a direct epidemiological link with infected premises and, in addition, a pig on the premises—
    - (i) is seropositive; or
    - (ii) shows clinical signs of swine vesicular disease.
- (2) The Scottish Ministers may declare premises to be infected premises if—
- (a) a pig on the premises shows clinical signs of swine vesicular disease; and
  - (b) the distance between the premises and other infected premises is such that it is more likely than not that such signs are a result of the presence of the disease.

#### **Primary control measures**

- 23.**—(1) The Scottish Ministers must immediately on declaring infected premises—

- (a) kill all pigs on the premises; and
  - (b) remove all carcasses, tissue and blood from the premises, and dispose of them in such a manner as to avoid the risk of swine vesicular disease virus spreading.
- (2) The occupier of infected premises must, immediately after application of the measures in paragraph (1), disinfect the premises by spraying with disinfectant—
- (a) all housing, buildings and equipment to which a pig has had access;
  - (b) all manure, bedding and foodstuffs used by a pig on the premises;
  - (c) any other thing which the inspector considers may have been contaminated during slaughter,
- and ensure that disinfectant remains on the sprayed surfaces or material for at least 24 hours.
- (3) Schedule 1 shall apply, or shall continue to apply, to infected premises.

### **Secondary control measures**

- 24.**—(1) The Scottish Ministers may by notice require the occupier of infected premises to cleanse and disinfect the premises (“disinfection notice”).
- (2) The disinfection notice must specify a reasonable period during which the required measures must be completed.
- (3) If the occupier does not comply with the disinfection notice then the Scottish Ministers may arrange for it to be complied with, and recover the cost of doing so from the occupier.

### **Cleansing and disinfection at infected premises**

- 25.**—(1) An occupier who is required to cleanse or disinfect infected premises must do so as directed by a veterinary inspector.
- (2) In particular, but without prejudice to that generality, a veterinary inspector may direct that—
- (a) all manure, bedding and contaminated food are removed from buildings, stacked and sprayed with disinfectant;
  - (b) slurry is treated by a method suitable for inactivating the virus;
  - (c) surfaces have grease and other dirt removed by soaking with a degreasing agent, and are pressure washed with water;
  - (d) sprayed surfaces are re-sprayed with disinfectant;
  - (e) surfaces are treated (or re-treated) using a flame gun;
  - (f) damaged floors and walls are repaired.

### **Release notice**

- 26.**—(1) A veterinary inspector must give notice to the occupier that premises are not infected premises (“release notice”) in accordance with this article.
- (2) A release notice may not be given until the Scottish Ministers are satisfied that sufficient time has elapsed for the virus to have decayed to the extent that it will no longer infect a pig.
- (3) If no pig is to be kept on the premises, a release notice must be issued on completion of the control measures.
- (4) If a pig is to be kept on the premises, a release notice must be issued on completion of—
- (a) the control measures; and
  - (b) testing with pigs in accordance with article 27.

(5) If a release notice is issued under paragraph (3) then no pig may be kept on the premises without approval by a veterinary inspector.

(6) In this article and article 27, “control measures” means the measures in article 23(1) and (2), and any measure required under article 24.

### **Testing with pigs**

**27.**—(1) A pig must not be moved to infected premises until a veterinary inspector confirms by notice to the occupier that the control measures are completed to the satisfaction of the inspector.

(2) A notice under paragraph (1) may not be issued until 28 days after completion of the control measures.

(3) The movement of pigs to the premises must, unless licensed under paragraph (6), start with the introduction of a limited number of pigs (“sentinel pigs”) which have been—

- (a) tested at the expense of the occupier; and
- (b) found to be negative for the presence of antibodies against swine vesicular disease virus.

(4) The sentinel pigs must be—

- (a) placed throughout the premises, as directed by a veterinary inspector;
- (b) examined, and sampled for serological testing, by a veterinary inspector 28 days after placement; and
- (c) tested for disease.

(5) If sentinel pigs show no signs of swine vesicular disease, or have not developed antibodies after testing under paragraph (4), then a release notice may be issued.

(6) In the case of indoor premises, a veterinary inspector may license the movement of a pig to the infected premises without the introduction of sentinel pigs, but the—

- (a) licensed pigs (if more than one) must be introduced over a period of 8 consecutive days;
- (b) licensed pig must come from premises outside a protection zone or surveillance zone; and
- (c) licensed pig must have been tested at the expense of the licence holder (or applicant, if applicable) within 14 days before movement, and be seronegative.

(7) Where a pig is moved to the premises conform to a licence under paragraph (6)—

- (a) a veterinary inspector must examine the pig at least 28 days after it is moved;
- (b) a veterinary inspector must sample and carry out a serological test on the pig, or a statistically valid number of pigs (if more than one), at the earliest 28 days after the arrival of the pig (or last pig); and
- (c) no pig may leave the premises for a period of 60 days after the arrival of the pig (or last pig).

(8) If licensed pigs show no signs of swine vesicular disease, or have not developed antibodies after testing under paragraph (7), then a release notice may be issued 60 days after the arrival of the pig (or last pig) on the infected premises.

## **CHAPTER 4**

### **Protection and surveillance zones**

#### **Protection and surveillance zones**

**28.**—(1) The Scottish Ministers must, unless paragraph applies, declare a protection zone and a surveillance zone where premises are declared to be infected premises.

(2) The Scottish Ministers may declare zones where the infected premises are—

- (a) a slaughterhouse;
  - (b) a veterinary surgery where a pig is present for examination;
  - (c) a place where a pig is kept temporarily that the Scottish Ministers consider is not a centre of infection.
- (3) A protection zone must have a radius of at least 3 kilometres, and a surveillance zone must have a radius of at least 10 kilometres, both centred on the part of the infected premises that the Scottish Ministers consider appropriate for disease control purposes.
- (4) The Scottish Ministers must ensure that—
- (a) premises within a zone where a pig is kept are identified as soon as possible;
  - (b) a veterinary inspector visits all such premises within a protection zone as soon as possible, and—
    - (i) inspects, and if necessary, examines all pigs at the premises; and
    - (ii) collects such samples as the veterinary inspector considers necessary.
- (5) Schedule 2 shall apply in a protection zone.
- (6) Schedule 3 shall apply in a surveillance zone.
- (7) If the Scottish Ministers revoke a protection zone, without revoking the corresponding surveillance zone, then the area formerly in the protection zone is included in the surveillance zone.

#### **Declarations where swine vesicular disease is outside Scotland**

- 29.**—(1) Where a protection zone or a surveillance zone (or an equivalent zone) is established in England in relation to swine vesicular disease, the Scottish Ministers must immediately declare a—
- (a) protection zone to cover at least such area in Scotland as is within 3 kilometres of the centre of the protection zone established in England; and
  - (b) surveillance zone to cover at least such area in Scotland as is within 10 kilometres of the centre of the surveillance zone established in England.
- (2) The Scottish Ministers may declare a protection zone and a surveillance zone on being satisfied that swine vesicular disease exists on any premises in England, that is 10 or more kilometres from Scotland, or Wales.

#### **Closing rights of way in a protection zone**

- 30.**—(1) An inspector may, if approved by the Scottish Ministers, close any right of way (including a public footpath) in a protection zone by displaying a notice to that effect on the way.
- (2) Only—
- (a) the occupier of the land across which the right of way lies;
  - (b) a person approved by the occupier; or
  - (c) a person entering under the authority of a licence granted by an inspector,
- may use that right of way.
- (3) No person may remove or alter a notice displayed under this article except as instructed by an inspector.
- (4) The closure continues until—
- (a) a declaration of a protection zone is revoked; or
  - (b) all relevant notices are removed by, or as instructed by, an inspector.

### **Revoking declaration of protection or surveillance zone**

**31.** The Scottish Ministers must not revoke a declaration of a protection zone or a surveillance zone until—

- (a) cleansing and disinfection as required by this Order has been carried out at all infected premises in the zone;
- (b) premises with pigs in the zone have been visited by a veterinary inspector, who has—
  - (i) inspected and as necessary examined the pigs; and
  - (ii) collected such samples as the inspector considers necessary; and
- (c) all such samples have been tested with negative results.

### **Publicity**

**32.—**(1) The Scottish Ministers must publicise—

- (a) the extent of a zone declared under this Order;
- (b) the nature of the restrictions and requirements relating to the zone;
- (c) the date of a declaration of a zone, or any further declaration amending or revoking that declaration.

(2) An inspector or an officer of the Scottish Ministers may erect signs where a road (public or otherwise) enters a zone, indicating the existence of the zone.

## **CHAPTER 5**

### **Vaccination**

#### **Prohibition on vaccination**

**33.** No person may vaccinate a pig against swine vesicular disease except—

- (a) in accordance with article 34; or
- (b) under the authority of a licence granted by the Scottish Ministers.

#### **Vaccination zone**

**34.—**(1) The Scottish Ministers may declare a vaccination zone.

(2) A veterinary inspector may serve a vaccination notice on the keeper of a pig on premises outside the zone.

(3) The keeper of a pig—

- (a) on premises inside the zone; or
- (b) who is served with a notice,

must ensure that the pig is vaccinated in accordance with the declaration or notice.

#### **Vaccinated pigs**

**35.—**(1) A person vaccinating a pig must identify that pig as a vaccinate, in the manner instructed by an inspector if such an instruction is given.

(2) No person may move a pig from a vaccination zone except for slaughter at a slaughterhouse approved for that purpose by the Scottish Ministers.

(3) No person may move a vaccinated pig not in a vaccination zone from the—

- (a) premises on which it was vaccinated; or

(b) if a licence permitted vaccination in an area, the area where vaccination is permitted, except for slaughter at a slaughterhouse approved for that purpose by the Scottish Ministers.

## CHAPTER 6

### Slaughterhouses

#### **Notification of suspicion at a slaughterhouse**

**36.**—(1) This article applies where—

- (a) notification is given to the Divisional Veterinary Manager in respect of a pig or carcass at a slaughterhouse; and
- (b) no notice under article 37 has been given to the occupier of the slaughterhouse.

(2) The occupier must ensure that, unless approved by a veterinary inspector—

- (a) no pig is moved to or from the slaughterhouse;
- (b) a suspect pig is kept alive; and
- (c) if a suspect pig has been slaughtered at the date of notification that the carcass of that pig (and that of any pig in contact with that carcass) is—
  - (i) stored separately; and
  - (ii) does not come into contact with a pig, or with a carcass not from a suspect pig; and
- (d) a carcass in respect of which notification is given is stored separately.

(3) In this article and article 37, “suspect pig” means a pig in respect of which notification is given, a pig from the same premises as that pig, and any pig in contact with such pigs.

#### **Control measures at a slaughterhouse**

**37.**—(1) This article applies where notification is given to the Divisional Veterinary Manager in respect of a pig or carcass at a slaughterhouse.

(2) A veterinary inspector must examine—

- (a) a suspect pig;
- (b) the carcass of such a pig (and that of any pig in contact with that carcass); and
- (c) a carcass in respect of which notification is given.

(3) A veterinary inspector who is satisfied after such examination that neither swine vesicular disease nor the virus is present at the slaughterhouse must give notice to the occupier that article 36 does not apply.

(4) If a veterinary inspector suspects after such examination that either swine vesicular disease or the virus is present at the slaughterhouse then paragraphs (5) to (9) apply.

(5) A veterinary inspector must ensure that—

- (a) a suspect pig is slaughtered separately from any other pig; and
- (b) the carcass of a suspect pig is stored separately from a carcass of a pig other than a suspect pig.

(6) The occupier of the slaughterhouse must cleanse and disinfect the premises after such slaughter as directed by notice by a veterinary inspector.

(7) A veterinary inspector must take samples from 2 or more—

- (a) pigs at the slaughterhouse;
- (b) pigs at the premises of origin of a suspect pig; and



(c) carcasses at the slaughterhouse,  
and test them for evidence of swine vesicular disease or the virus.

(8) If the test results are negative, and a veterinary inspector is satisfied that paragraph (6) has been complied with, then the inspector must give notice to the occupier that article 36 does not apply.

(9) If a test result is positive then—

(a) the Scottish Ministers must destroy a carcass stored under article 36 and this article;

(b) the occupier must cleanse and disinfect a place where the carcass was stored,

and a veterinary inspector, if satisfied that paragraph (6) and sub-paragraph (b) have been complied with, must give notice to the occupier that article 36 does not apply.