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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 193**

**ANIMALS**

**ANIMAL HEALTH**

**The Foot-and-Mouth Disease (Scotland)  
Declaratory (No. 7) Order 2001**

*Made* - - - - 25th May 2001  
*Coming into force at 12.00*  
*noon on* - - - - 25th May 2001

The Scottish Ministers, in exercise of the powers conferred by article 17(1) of the Foot-and-Mouth Disease Order 1983<sup>(1)</sup>, 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. 7) Order 2001 and shall come into force at 12.00 noon on 25th May 2001.

(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.

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(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).

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Pentland House,  
Edinburgh  
25th May 2001

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

## SCHEDULE 1

Article 2

The infected area shall comprise that part of the Scottish Borders council area within the following boundaries:–

from where the B6352 is crossed by the England/Scotland border at map ref NT835304, continue south east on the border to where it meets Witchcleuch Burn at map ref NT854264; turn right onto Witchcleuch Burn and continue to where it meets a minor road at map ref NT842268; turn right onto the minor road and continue to where it meets another minor road at map ref NT827283; turn left onto that minor road and continue to where it meets the B6401; turn right onto the B6401 and continue to its junction with the B6352; continue north east on the B6352 to where it is crossed by the England/Scotland border at map ref NT835304.

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;
- (b) 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 a form to be prescribed by the Scottish Ministers in accordance with the advice of the Chief Veterinary Officer, 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 Schedule 3 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;

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- (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(2);
  - (ii) the Specified Risk Material Regulations 1997(3); or
  - (iii) the Animal By-Products Order 1999(4);
- (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.

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

(3) 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, 86 and 171.

(4) S.I. 1999/646.

## SCHEDULE 3

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<sup>(5)</sup> 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”.

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(5) 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 51.

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## **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.