
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 44

The Foot-and-Mouth Disease (Scotland) Order 2006

PART 1

Introduction

Citation, commencement and extent

1.—(1) This Order may be cited as the Foot-and-Mouth Disease (Scotland) Order 2006 and shall come into force on 23rd February 2006.

(2) This Order extends to Scotland only.

Interpretation

2.—(1) In this Order—

“the Act” means the Animal Health Act 1981;

“animal gathering” means an event at which animals are brought together, including a market, show or fair, but not any occasion at which animals are brought together on the premises on which they are kept;

“animal product” means anything originating or made (whether in whole or in part) from an animal or from a carcass;

“associated protection zone” means, in relation to a surveillance zone, the protection zone centred on the same premises as that surveillance zone;

“border inspection post” means, except in article 31, a place specified as a border inspection post in Schedule 2 to the Animals and Animal Products (Import and Export) (Scotland) Regulations 2000(1);

“bovine animal” includes buffalo and bison;

“Chief Veterinary Officer (Scotland)” means the Chief Veterinary Officer of the Scottish Executive;

“collecting centre” means premises used for the intermediate reception of animals intended to be moved elsewhere;

“contact premises” means any premises declared to be contact premises under article 13;

“contaminated” means directly or indirectly exposed to disease, and “contamination” shall be construed accordingly;

“the Department” means the Scottish Executive Environment and Rural Affairs Department;

“the Directive” means Council Directive [2003/85/EC](#) on Community measures for the control of foot and mouth disease repealing Directive [85/511/EEC](#) and Decisions [89/531/EEC](#) and [91/665/EEC](#) and amending Directive [92/46/EEC](#)(2);

(1) [S.S.I. 2000/216](#), to which there are amendments not relevant to this Order.

(2) [O.J. No. L 306, 22.11.03, p.1.](#)

“disease” means foot-and-mouth disease;

“dispose” means treat as Category 1, Category 2 or Category 3 material (as the case may be) under Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption⁽³⁾ and the Animal By-Products (Scotland) Regulations 2003⁽⁴⁾, and “disposed” and “disposal” shall be construed accordingly;

“Divisional Veterinary Manager” means the Divisional Veterinary Manager of the State Veterinary Service for the area in which premises are located;

“emergency slaughter” means slaughter in emergency circumstances of animals which are not infected or contaminated and includes slaughter for welfare purposes;

“falconry” means the use of falcons, hawks or other birds of the order *Falconiformae* to hunt for game or other wildlife;

“fodder” means animal feed and includes hay, straw and forage;

“free unit” means a separate production unit declared to be a free unit under article 12;

“fresh meat” means meat (including offal) that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum wrapped or wrapped in a controlled atmosphere;

“health marked” means bearing the health mark required by article 5(2) of Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽⁵⁾ and “health mark” shall be construed accordingly;

“horse” means a domestic animal of the equine or asinine species or crossbreeds of those species;

“hyper-immune serum” means material containing antibodies to the disease, either produced from animals subject to repeated vaccination or by another method;

“identification marked” means bearing the identification mark required by article 5(1) of Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽⁶⁾ and “identification mark” shall be construed accordingly;

“incubation period” means—

- (a) for cattle, pigs and other bovine animals and swine, 14 days; and
- (b) for other susceptible animals, 21 days;

“infected” means infected with disease and “infection” shall be construed accordingly;

“infected premises” means any premises declared to be infected premises under article 11(11);

“infection date” means, in respect of any premises, any date confirmed by the Scottish Ministers under article 11(11) as the earliest date disease was present there;

“inspector” means an inspector appointed under the Act and an officer of the Scottish Ministers appointed for the purposes of this Order, and when used in relation to a member of the staff of the Scottish Ministers, includes a veterinary inspector;

“keeper” means any person responsible for animals, whether on a permanent or temporary basis, but does not include any person who is responsible for animals solely because that person is transporting them;

(3) O.J. No. L 273, 10.10.02, p.1 as amended by Commission Regulation (EC) No. 808/03 (O.J. No. L 117, 13.5.03, p.1).

(4) S.S.I. 2003/411.

(5) O.J. No. L 139, 30.4.04, p.206. The revised text of the Regulation is contained in a corrigendum (O.J. No. L 226, 25.6.2004, p.83).

(6) O.J. No. L 139, 30.4.04, p.55. The revised text of the Regulation is contained in a corrigendum (O.J. No. L 226, 25.6.04, p.22).

“meat preparation” means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat;

“meat product” means a processed product resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

“mechanically separated meat” means the product obtained by removing meat from flesh-bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure;

“milk” includes cream, separated milk, skimmed milk and buttermilk;

“milk product” includes butter, cheese, yoghurt, whey and any other product the main constituent of which is milk;

“minced meat” means boned meat that has been minced into fragments and contains less than 1% salt;

“occupier” means, in relation to any premises, the person in charge of those premises;

“overstamped” means, in relation to a health marked or identification marked item, bearing an additional diagonal cross consisting of two straight lines intersecting at the centre of the health mark or identification mark and allowing the information there to remain legible (whether or not that additional cross is applied by the same stamp as the health mark);

“premises” includes any land, building or other place;

“protection zone” means a protection zone declared under article 30 or 31;

“public highway” means a highway maintainable at the public expense;

“raw milk” means milk that has not been heated to more than 40 degrees centigrade or undergone any treatment that has an equivalent effect;

“the Regulations” means the Foot and Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006⁽⁷⁾;

“restricted zone” means a restricted zone declared under article 37;

“seasonings” means salt, mustard, spices and aromatic spice extracts, or aromatic herbs and aromatic herb extracts;

“sell” means sell to the final consumer or user and “sale” in the expression “consign for sale” shall be construed accordingly;

“slaughterhouse” means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which—

- (a) is approved or conditionally approved under article 31(2) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of feed and food law, animal health and animal welfare rules⁽⁸⁾; or
- (b) although lacking the approval or conditional approval that it requires under article 4(3) of Regulation (EC) No. 853/2004 was, on 31st December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995⁽⁹⁾ or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995⁽¹⁰⁾;

(7) S.S.I. 2006/.

(8) O.J. No. L 165, 30.4.2004, p.1. The revised text of the Regulation is contained in a corrigendum (O.J. No. L 191, 28.5.04, p.1).

(9) S.I.1995/539, revoked in England by S.I. 2005/2059, in Scotland by S.S.I. 2005/505 and in Wales by S.I. 2005/3292.

(10) S.I. 1995/540, revoked in England by S.I. 2005/2059, in Scotland by S.S.I. 2005/505 and in Wales by S.I. 2005/3292.

“slaughter” includes killing within the meaning of that term in the Welfare of Animals (Slaughter or Killing) Regulations 1995⁽¹¹⁾ and carried out in such a way as to minimise the dispersal of disease virus;

“supplementary movement control zone” means a supplementary movement control zone declared under article 18;

“surveillance zone” means a surveillance zone declared under article 30 or 31;

“susceptible animal” means a cow, sheep, goat, deer, camel, llama, alpaca, guanaco, vicuna, any other ruminant, any swine (that is, a member of the suborder *Suina* of the order *Artiodactyla*), elephant or rodent (other than a pet rodent);

“suspected of being infected” means exhibiting clinical symptoms or showing post-mortem lesions or reactions to laboratory tests such that the presence of disease may reasonably be suspected;

“suspect premises” means any premises declared as suspect premises under article 11(7) or article 13;

“temporary control zone” means a temporary control zone declared under article 15;

“trimmed offal” means any of–

- (i) heart from which lymphatic glands, connective tissue and adhering fat has been completely removed;
- (ii) liver from which lymphatic glands, adhering connective tissue and fat has been completely removed;
- (iii) whole masseter muscles;
- (iv) tongues with epithelium and without bone, cartilage and tonsils;
- (v) lungs from which the trachea and main bronchi and the mediastinal and bronchial lymphatic gland have been removed;
- (vi) other offal without bone or cartilage from which lymphatic glands, connective tissue, adhering fat and mucous membrane have been removed.

“used litter” means any substance which has been used for the bedding of animals;

“vaccinated” means treated with vaccine against the disease;

“vaccination surveillance zone” and “vaccination zone” mean, respectively, a vaccination surveillance zone and a vaccination zone declared under the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006⁽¹²⁾;

“vehicle” includes–

- (a) a trailer, semi-trailer or other thing which is designed or adapted to be towed by another vehicle;
- (b) a detachable part of a vehicle;
- (c) a container or other structure designed or adapted to be carried by or on a vehicle;

“wild animal infected zone” means a wild animal infected zone declared under article 39.

(2) References in this Order to “emergency slaughter” mean slaughter of animals which are not suspected of infection or contamination and are not on infected premises, where an inspector considers that the circumstances require urgent slaughter (including slaughter for welfare reasons).

(3) References in this Order to “susceptible animals originating in” in respect of a protection zone or surveillance zone or “susceptible animals originating on” in respect of infected premises mean–

⁽¹¹⁾ S.I. 1995/731, to which there are amendments not relevant to these Regulations.

⁽¹²⁾ S.S.I. 2006/ .

- (a) susceptible animals kept in the protection zone or surveillance zone (after the declaration of the zone) or on the infected premises, as the case may be, and
 - (b) susceptible animals which were kept within the boundaries of the protection zone or surveillance zone or on the infected premises at any time during the period—
 - (i) beginning 21 days before the following date—
 - (aa) in the case of a protection zone, the earliest infection date on premises there;
 - (bb) in the case of a surveillance zone, the earliest infection date on premises in the associated protection zone;
 - (cc) in the case of infected premises, the infection date; and
 - (ii) ending with the declaration of the protection zone, surveillance zone or infected premises, as the case may be.
- (4) References in this Order to “susceptible animals originating in” in respect of a vaccination zone or temporary control zone or “susceptible animals originating on” in respect of suspect premises or contact premises mean—
- (a) susceptible animals kept in the vaccination zone or temporary control zone (after the declaration of the zone) or on the suspect premises or contact premises, as the case may be; and
 - (b) susceptible animals which were kept within the boundaries of the vaccination zone or temporary control zone or on the suspect premises or contact premises at any time during the period—
 - (i) beginning 21 days before the declaration of the vaccination zone or temporary control zone or suspect premises or contact premises, as the case may be; and
 - (ii) ending with that declaration.

Extension of definitions of “animals” and “poultry”

3. For the purposes of the Act in its application to the disease and to this Order—
- (a) the definition of “animals” in section 87(1) of the Act is extended to include all four footed beasts;
 - (b) the definition of “poultry” in section 87(4) of the Act is extended to include all species of birds.

Premises comprising common or unenclosed land

4. In this Order—
- (a) common or unenclosed land forms separate premises from other land unless—
 - (i) the parcels of land adjoin; and
 - (ii) all animals kept on both parcels of land are in the charge of the same keeper;
 - (b) a notice which is to be served on the occupier of premises wholly or partially comprising any common or unenclosed land is validly served if served on every keeper of animals kept there (so far as those persons are reasonably ascertainable);
 - (c) a requirement or restriction imposed on the occupier of premises wholly or partially comprising any common or unenclosed land applies to every keeper of animals kept there.

Licences, certificates and declarations

- 5.—(1) Licences granted under this Order—

- (a) shall be in writing;
- (b) may, in addition to any conditions required by this Order, be made subject to such conditions as the Scottish Ministers consider necessary to control the disease; and
- (c) may be amended, suspended or revoked in writing at any time.

(2) Except where otherwise directed by the Scottish Ministers, a licence granted in England, Wales for the same purpose as a licence which may be granted under this Order shall be valid for that purpose in Scotland and its conditions shall apply in Scotland as if it was a licence granted under this Order.

(3) Certificates issued under this Order shall be in writing.

(4) Declarations made under this Order shall be in writing and may be amended or revoked by further declaration at any time.

Notices

6.—(1) Notices issued under this Order—

- (a) shall be in writing; and
- (b) may be amended or revoked in writing at any time.

(2) A notice which—

- (a) is served on the occupier of premises; and
- (b) imposes a requirement or restriction in respect of those premises,

shall contain a description of the premises sufficient to enable the extent of the premises to be ascertained.

(3) Such a description may be amended by a veterinary inspector if the veterinary inspector is satisfied that it does not describe an appropriate area for the purposes of investigating and monitoring the spread of disease in respect of animals which are usually kept together.

Dissemination of information concerning restrictions and requirements

7.—(1) The Scottish Ministers shall take such steps as they consider fit to ensure that certificates, licences, declarations and notices are brought to the attention of those who may be affected by them as soon as is reasonably practicable.

(2) They shall also ensure that—

- (a) the extent of any zone declared under this Order;
- (b) the nature of the restrictions and requirements applicable within the zone;
- (c) the date of its declaration; and
- (d) the date that declaration ceases to have effect in respect of the zone or any part of it, are publicised.

PART 2

Notification, suspicion and investigation of disease

Notification of disease or suspected disease

8.—(1) Subject to paragraph (6), a person who has in that person's possession or charge an animal or carcase infected or suspected of being infected shall immediately notify the Divisional Veterinary Manager.

(2) Subject to paragraph (6), a person who in the course of that person's occupation discovers that an animal or carcase not in that person's possession or charge is infected or suspected of being infected shall immediately notify the Divisional Veterinary Manager.

(3) If the occupier of any premises notifies the Divisional Veterinary Manager under this article of an animal or carcase at those premises or becomes aware of such a notification, Schedule 2 shall immediately apply in respect of those premises.

(4) Any constable who receives notification of the disease under section 15(1) of the Act shall immediately inform the Divisional Veterinary Manager.

(5) Any Divisional Veterinary Manager who receives notification under this article from someone other than the occupier of the premises where the notified animal or carcase is located may serve a notice on the occupier informing the occupier of the notification and Schedule 2 shall then immediately apply in respect of those premises.

(6) Paragraphs (1) and (2) do not apply to a person in possession of, or carrying, the disease pathogen in accordance with the terms of a licence granted under the Specified Animal Pathogens Order 1998(13).

Notice of suspicion of disease

9.—(1) If an inspector knows or suspects that disease exists or has in the previous 56 days been present on any premises, the inspector shall immediately serve a notice on the occupier stating that fact and Schedule 2 shall then apply in respect of those premises.

(2) If an inspector knows or suspects that an animal suspected of being contaminated is on any premises, the inspector shall immediately serve a notice on the occupier stating that fact and Schedule 2 shall then apply in respect of those premises.

Suspicion of disease in animals in transit

10.—(1) If an inspector knows or suspects that an animal in transit is infected or contaminated the inspector shall immediately serve a notice on the keeper of the animal, or if the keeper is not present, the person in charge of the animal during transit—

- (a) stating that fact;
- (b) directing the transport of the animal and any animal with it to such premises as the inspector thinks fit; and
- (c) detaining any vehicle, equipment or other thing suspected of contamination at a suitable place until it has been cleansed and disinfected.

(2) The inspector shall ensure that the occupier of premises to which animals are directed is served with a notice on their arrival stating that those premises are under restriction and Schedule 2 shall then apply in respect of those premises.

(3) The person in charge of any vehicle detained under paragraph (1)(c) shall cleanse and disinfect it without delay in accordance with Schedule 2 of the Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2005(14) and any additional requirements an inspector may by written directions impose.

(4) The person in charge of any equipment or other thing detained under paragraph (1)(c) shall cleanse and disinfect it in accordance with the directions of an inspector.

(13) S.I. 1998/463.

(14) S.S.I. 2005/653.

Veterinary inquiry into the existence of disease and declaration of suspect premises and infected premises

11.—(1) The Chief Veterinary Officer (Scotland) shall ensure that the presence or suspicion of infection or contamination is investigated in accordance with this article by a veterinary inspector as soon as is reasonably practicable.

(2) The Chief Veterinary Officer (Scotland) shall ensure that the presence or absence of disease on every premises within a temporary control zone where susceptible animals are kept or have in the 56 days before the declaration of that zone been kept is investigated in accordance with this article by an officer of the Scottish Ministers as soon as is reasonably practicable.

(3) The veterinary inspector investigating shall take all steps which the officer considers necessary to determine whether disease exists or has in the 56 days before the commencement of the investigation existed on the premises and the related circumstances.

(4) Subject to paragraph (5), in taking such steps the veterinary inspector shall ensure that any samples necessary for that determination are taken.

(5) Sampling shall not be considered necessary on premises which the Chief Veterinary Officer (Scotland) considers to be epidemiologically linked with a primary source for which samples have already been taken.

(6) The veterinary inspector investigating may mark any animal, carcase or other thing liable to spread disease found on the premises.

(7) If the veterinary inspector investigating considers it necessary to submit a serological sample for testing to determine whether disease exists or has in the 56 days before the investigation existed on the premises, the veterinary inspector shall declare the premises to be suspect premises.

(8) The veterinary inspector investigating shall communicate to the Chief Veterinary Officer (Scotland) that inspector's opinion as to whether disease exists or has in the 56 days before the investigation existed on any premises under inquiry.

(9) If the veterinary inspector's opinion is that disease exists or has in the 56 days before the investigation existed on any premises the veterinary inspector investigating shall also communicate to the Chief Veterinary Officer (Scotland) the veterinary inspector's opinions on at least the following—

- (a) the earliest date disease was present there;
- (b) the origin of the disease;
- (c) any premises which may have been contaminated from the same origin;
- (d) the extent to which animals other than bovine or porcine animals may have been infected or contaminated;
- (e) any premises to or from which disease may have been carried;
- (f) any other premises which the veterinary inspector suspects to be contaminated; and
- (g) whether any premises under inquiry comprise two or more separate production units in accordance with article 12.

and in sub paragraphs (c), (e) and (f) “premises” includes premises outside Scotland.

(10) The Chief Veterinary Officer (Scotland) shall consider and may confirm every opinion communicated under this article.

(11) If the Chief Veterinary Officer (Scotland) concludes after consideration of any opinion communicated under this article that one or more of the criteria in Schedule 3 are satisfied in respect of any premises, the Chief Veterinary Officer (Scotland) shall advise the Scottish Ministers of that conclusion and the Scottish Ministers shall confirm the existence of the disease and declare those premises to be infected premises.

(12) A declaration under paragraph (7) or (11) of this article shall be by notice served on the occupier.

(13) Any infected premises is an infected place for the purposes of the Act.

Separate production units

12.—(1) The Scottish Ministers may by notice served on the occupier of any premises (other than infected premises) investigated under article 11 declare that they are to be regarded as two or more separate production units if the Chief Veterinary Officer (Scotland) advises at the time of the veterinary inquiry that in the opinion of the Chief Veterinary Officer (Scotland)—

- (a) the structure, including the administration and size of the premises, allow, for each separate unit, a complete separation of housing and keeping for their susceptible animals, including separate air space;
- (b) the operations on each separate unit, and in particular stable and pasture management, milking, feeding, and removal of dung or manure are completely separated and carried out by different personnel;
- (c) the machinery, non-susceptible working animals, equipment, installations, instruments and disinfection facilities used in each separate unit are completely separate; and
- (d) each of those sub paragraphs has applied continuously for at least—
 - (i) 28 days immediately prior to the date of the inquiry, if only bovine animals or swine have been on the premises within that period; or
 - (ii) 42 days immediately prior to that date in any other case.

(2) A declaration under paragraph (1) shall identify, and designate the boundaries of each separate unit and shall declare every separate unit which is free of disease to be a free unit.

(3) A unit shall cease to be a free unit on—

- (a) variation of the notice declaring it such that it is no longer declared to be a free unit, or
- (b) revocation of the notice declaring it.

Tracing of possible disease spread

13.—(1) The Scottish Ministers shall declare premises (other than infected premises) to be suspect premises where the Chief Veterinary Officer (Scotland) suspects them of contamination from premises already declared to be suspect premises or from a suspected case of disease outside Scotland, and so advises the Scottish Ministers.

(2) The Scottish Ministers may declare premises to be suspect premises where the Chief Veterinary Officer (Scotland) is not reasonably able to exclude an epidemiological link with infected premises or with a confirmed case of the disease, and so advises the Scottish Ministers.

(3) The Scottish Ministers shall declare premises (other than infected premises or suspect premises) to be contact premises where the Chief Veterinary Officer (Scotland) advises either—

- (a) that disease may have been carried there from any premises; or
- (b) that disease may have been carried to any premises from there,

and in sub paragraphs (a) and (b) “premises” includes premises outside Scotland.

(4) Declarations under this article shall be by notice served on the occupier.

(5) The Scottish Ministers shall ensure that any premises declared to be suspect premises or contact premises under this article are subjected to investigation in accordance with article 11 as soon as is reasonably practicable.

(6) Where, following a declaration under article 12(1) premises are to be regarded as consisting of separate production units, the Scottish Ministers shall amend any declaration under paragraph (3) to specify to or from which units disease may have been carried and only those units so specified shall form the contact premises.

(7) Schedule 2 shall apply to suspect premises or contact premises declared under this article.

Maintenance of measures in respect of premises

14.—(1) If premises are declared to be infected premises, they shall no longer be suspect premises or contact premises.

(2) Schedule 2 shall continue to apply to premises if they are declared to be infected premises.

(3) The Scottish Ministers shall not revoke any notice declaring premises to be suspect premises until they are advised by the Chief Veterinary Officer (Scotland) that the Chief Veterinary Officer (Scotland) no longer suspects infection or contamination there.

(4) The Scottish Ministers shall not revoke any notice declaring premises to be contact premises until they are advised by the Chief Veterinary Officer (Scotland) that Chief Veterinary Officer (Scotland) no longer suspects that disease may have been carried there or from there.

(5) The Scottish Ministers shall not revoke any notice declaring premises to be infected premises until completion of the final cleansing and disinfection measures in paragraphs 17 to 19 of Schedule 1.

Declaration of temporary control zone

15.—(1) On the declaration of any suspect premises the Scottish Ministers shall also declare an area around those premises of such size as they think fit to prevent the spread of disease to be a temporary control zone.

(2) If the Scottish Ministers are satisfied that an animal or carcase in England or Wales is suspected of being infected or contaminated, they may declare a temporary control zone of such size as they think fit to prevent the spread of disease.

(3) An area shall remain a temporary control zone (or part of one) until—

(a) it becomes part of a protection zone or a surveillance zone; or

(b) the Scottish Ministers are advised by the Chief Veterinary Officer (Scotland) that the Chief Veterinary Officer (Scotland) no longer suspects infection there.

(4) If the Scottish Ministers are advised as mentioned in paragraph (3)(b)—

(i) they shall revoke the declaration creating the temporary control zone in question if the area comprises the whole of that zone; or

(ii) if the area does not comprise the whole of that zone, they shall amend the declaration so as to exclude that area.

(5) Any amendment or revocation of a declaration creating a temporary control zone shall refer to that declaration and state the date and time it is to take effect.

(6) Any premises which are partly inside and partly outside a temporary control zone shall be deemed to be wholly inside it.

Measures applicable in respect of a temporary control zone

16.—(1) No person shall move any susceptible animal into or out of a temporary control zone, except where the movement is—

(a) through the zone without stopping; or

- (b) necessary to complete a journey started before the creation of the zone.
- (2) Subject to paragraph (3), no person shall move any susceptible animal from or to premises in a temporary control zone (without leaving that zone) except to complete a journey started before the creation of that zone or under the authority of a licence granted by an inspector.
- (3) The Scottish Ministers may, after considering the factors in paragraph (4), declare that instead of the restriction in paragraph (2) all the following measures apply in a temporary control zone—
 - (a) the occupier of any premises in the zone where susceptible animals are kept shall create and maintain a record in accordance with paragraph 1 of Schedule 2;
 - (b) the occupier of any premises in the zone where susceptible animals are kept shall isolate animals in accordance with paragraph 3 of that Schedule; and
 - (c) paragraphs 4 to 7 and 10 and 11 of that Schedule apply to premises in the zone where susceptible animals are kept.
- (4) When considering a declaration under article 15(1), the Scottish Ministers shall take into account the following factors in respect of the temporary control zone—
 - (a) the density of the population of susceptible animals;
 - (b) the intensity of movements of animals or persons having contact with susceptible animals;
 - (c) any suspected delay in detecting suspicion of infection or contamination;
 - (d) the information available to them as to the possible origin and method of introduction of the disease virus; and
 - (e) any other factor they consider relevant in deciding whether such a declaration will help prevent the spread of disease and is reasonable in the circumstances.
- (5) The measures in paragraphs (2) and (3) apply—
 - (a) subject to article 19(2)(b), and
 - (b) in addition to any requirement or restriction which applies in any part of a temporary control zone because that part falls within—
 - (i) a vaccination zone or vaccination surveillance zone, or
 - (ii) a wild animal infected zone.

Supplementary measures in respect of a temporary control zone: straying of susceptible animals

- 17.—(1) The keeper of a susceptible animal in a temporary control zone shall take all such steps as are necessary to prevent it from straying from the premises on which it is kept.
- (2) An inspector may detain any stray or feral susceptible animal found in a temporary control zone and if, having made reasonable inquiries, the owner cannot be ascertained, the inspector may arrange for its destruction.

Declaration of supplementary movement control zone

- 18.—(1) When a temporary control zone has been declared, the Scottish Ministers may also declare a supplementary movement control zone which—
 - (a) shall be of such size as they consider fit to prevent the spread of disease; and
 - (b) shall include that temporary control zone.
- (2) An area shall remain a supplementary movement control zone (or part of one) until—
 - (a) it becomes part of a protection zone or a surveillance zone;
 - (b) the declaration of the temporary control zone included within it ceases to have effect;

- (c) the Scottish Ministers amend the declaration of the supplementary movement control zone so as to exclude that area; or
 - (d) the Scottish Ministers revoke the declaration of the supplementary movement control zone.
- (3) Any amendment or revocation of a declaration creating a supplementary movement control zone shall refer to that declaration and state the date and time it is to take effect.
- (4) Any premises which are partly inside and partly outside a supplementary movement control zone shall be deemed to be wholly inside it.
- (5) A supplementary movement control zone applies in respect of—
- (a) susceptible animals; and
 - (b) any class of non susceptible animal specified in the declaration in question during a period also specified in that declaration which period shall not exceed 72 hours from the time the declaration was made.

Measures applicable in respect of a supplementary movement control zone

19.—(1) No person shall move any animal in respect of which a supplementary movement control zone applies on to or off any premises in such a zone or into or out of such a zone except where the movement is—

- (a) through the zone without stopping; or
 - (b) necessary to complete a journey started before the creation of the zone; or
 - (c) the movement of a horse for veterinary treatment under the authority of a licence granted by an inspector.
- (2) Paragraph (1) applies—
- (a) without prejudice to article 16(1);
 - (b) in a temporary control zone in place of article 16(2) or, where the temporary control zone was declared under article 16(3), paragraph 4 of Schedule 2; and
 - (c) in addition to any requirement or restriction which applies in any part of a supplementary movement control zone because of—
 - (i) a vaccination zone or vaccination surveillance zone; or
 - (ii) a wild animal infected zone.

(3) An inspector granting a licence under paragraph (1)(c) shall take account of the recommended measures in paragraph 2.1 of Annex VI to the Directive.

PART 3

Measures following confirmation of disease

Tracing of products originating on infected premises

20.—(1) The Scottish Ministers shall trace all milk, milk products, meat, meat products, carcasses, hides, skins, wool, semen, ova and embryos derived from susceptible animals originating on infected premises.

(2) After tracing any semen, ovum or embryo, the Scottish Ministers shall, by notice served on the person in charge of it, direct that person to dispose of it in such a way as to ensure destruction of disease virus.

(3) After tracing any other item referred to in paragraph (1), the Scottish Ministers shall, by notice served on its owner, or if the owner is not readily ascertainable the person in charge of it, direct the owner or that person to either—

- (a) arrange for such treatment as the Scottish Ministers considers necessary to ensure the destruction of the disease virus; or
- (b) dispose of it in such a way as to ensure destruction of disease virus.

Notice of intention to slaughter animals

21.—(1) Subject to paragraph (2), before causing the slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations, the Scottish Ministers shall give notice of their intention to cause such slaughter—

- (a) to the occupier of the premises where the animals are kept; or
- (b) where the animals are in transit, to the person in charge of them.

(2) Paragraph (1) does not apply where the Scottish Ministers intend to cause the slaughter of a stray or feral animal detained by an inspector under article 17(2) or under Schedule 4, paragraph 2(2) or Schedule 6, paragraph 5(2).

Sampling and clinical examination of susceptible animals before slaughter

22. Where the Scottish Ministers give notice of their intention to cause slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations, they shall ensure that any sampling and clinical examination they consider necessary to carry out the veterinary inquiry in article 11 is undertaken before, or immediately following, such slaughter.

Place of slaughter

23.—(1) This article applies where the Scottish Ministers give notice of their intention to cause slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations.

(2) Subject to paragraph (3), where the animals to be slaughtered are on premises, slaughter shall take place there without delay.

(3) Paragraph (3) shall not apply where—

- (a) in the opinion of the Scottish Ministers exceptional circumstances exist which would make slaughter on those premises an unsatisfactory method of disease control; or
- (b) the premises are a slaughterhouse or border inspection post,

in which case the Scottish Ministers may direct that slaughter be carried out at another place which they consider satisfactory for the purpose of preventing the spread of disease.

(4) Where the animals to be slaughtered are in transit, they shall be transported to another place at the direction of the Scottish Ministers as soon as is reasonably practicable and before slaughter.

(5) In directing transport to another place under this article the Scottish Ministers shall grant a licence under paragraphs 4(6), 7(d) and 10(b) of Schedule 2 authorising movement of the animals, persons and vehicles necessary for that action under such conditions as they think fit to minimise the risk of spread of disease.

Slaughter: control of carcasses

24.—(1) This article shall apply to premises where the Scottish Ministers have caused the slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations.

(2) No person shall move any carcase of a susceptible animal from premises to which this article applies except for disposal and under the authority of a licence granted by the Scottish Ministers.

(3) The Scottish Ministers shall ensure that every carcase to which this article applies is disposed of without undue delay, and in so ensuring—

- (a) they may serve a notice on the occupier requiring immediate disposal or disposal within a specified period; and
- (b) they shall grant any necessary licence under paragraph (2).

Slaughter: control of faecal material

25.—(1) This article applies to premises where the Scottish Ministers have caused the slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations.

(2) No person shall move any dung, manure, slurry or used litter of susceptible animals from premises to which this article applies except—

- (a) for disposal and under the authority of a licence granted by the Scottish Ministers after consulting the Chief Veterinary Officer (Scotland) and specifying a manner of disposal such as to ensure destruction of the disease virus; or
- (b) following disinfection, for treatment of such material from a slaughterhouse or border inspection post in accordance with point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption, as amended⁽¹⁵⁾, and under the authority of a licence granted by the Scottish Ministers.

Slaughter: isolation of things liable to spread disease

26.—(1) This article applies to the occupier of any premises where the Scottish Ministers have caused the slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations.

(2) Subject to paragraph (3) a person to whom this article applies shall isolate all milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, animal feed and litter on the premises until—

- (a) the Scottish Ministers certify all such items are free of contamination; or
- (b) all such items have been treated in accordance with the directions of an inspector; or
- (c) the Scottish Ministers grant a licence authorising any such item to be removed from the premises to be treated in accordance with Regulation (EC) No. 1774/2002, as amended, following which any such item may then be removed and treated in that way and in accordance with the conditions of that licence.

(3) Paragraph (2) shall not apply to milk on free units where this is authorised by a licence granted by the Scottish Ministers and such licence shall contain terms requiring that—

- (a) where it is for human consumption, milk is subjected to one of the treatments in paragraph 13 of Schedule 5; or
- (b) where it is not for human consumption, milk is subjected to one of the treatments in paragraph 14 of Schedule 5.

(15) O.J. No. L 273, 10.10.02, p.1 as last amended by Commission Regulation (EC) No. 668/2004 (O.J. No. L 112, 19.4.04, p.1).

Slaughter: cleansing and disinfection of premises other than slaughterhouses and border inspection posts

27.—(1) This article applies to any premises other than a slaughterhouse or border inspection post, where the Scottish Ministers have caused the slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations and to any vehicle on those premises, after the disposal of all carcasses in accordance with article 24 and isolation of the items referred to in article 26(2).

(2) The Scottish Ministers shall ensure that the following parts of premises to which this article applies, are cleansed and disinfected in accordance with Schedule 1—

- (a) all buildings, parts of the premises and vehicles used to carry susceptible animals and any other thing or place on the premises which may be contaminated are cleansed and disinfected in accordance with Schedule 1; and
- (b) where there is reasonable suspicion that any part of the premises normally used by humans to the exclusion of animals (including a dwelling) is contaminated with disease, that part of the premises is cleansed and disinfected in accordance with Schedule 1.

Slaughter: cleansing and disinfection of slaughterhouses and border inspection posts

28.—(1) This article applies to a slaughterhouse or border inspection post where the Scottish Ministers have caused slaughter as described in regulation 8(2) or 9(1) of the Regulations, and to any vehicle there, after the disposal of all carcasses in accordance with article 24 and, if article 25(2) (a) applies, removal for disposal of the items referred to in that paragraph.

(2) The Scottish Ministers shall ensure that—

- (a) every building and place, and any equipment, vehicle and any other thing which may be contaminated on premises to which this article applies are cleansed and disinfected in accordance with Schedule 1; and
- (b) no animal is brought on to the premises until at least 24 hours after completion of the final cleansing and disinfection measures in paragraphs 17 to 19 of Schedule 1.

Restocking of premises

29.—(1) This article applies to any premises where the Scottish Ministers have caused the slaughter of animals as described in regulation 8(2) or 9(1) of the Regulations.

(2) No person shall restock premises to which this article applies except under the authority of a licence granted by the Scottish Ministers and in accordance with Schedule 9.

(3) No licence shall be granted allowing restocking to commence—

- (a) on premises to which paragraph 24 of Schedule 1 applies until one year has elapsed following completion of such cleansing and disinfection as is undertaken; or
- (b) on premises to which that paragraph does not apply, until 21 days after completion of the final cleansing and disinfection measures in paragraphs 17 to 19 of Schedule 1 on the premises.

Declaration of protection and surveillance zones on confirmation of the disease in Scotland

30.—(1) The Scottish Ministers shall, on confirmation of the disease on premises in Scotland, other than—

- (a) a slaughterhouse or border inspection post; or
- (b) premises to which infected or contaminated animals have been transported under article 10(1)(b),

declare a protection zone and a surveillance zone in such part of Scotland as they think fit.

- (2) The Scottish Ministers may, on confirmation of the disease—
- (a) at a slaughterhouse or border inspection post in Scotland,
 - (b) at premises in Scotland to which infected or contaminated animals have been transported under article 10(1)(b),

declare a protection zone and a surveillance zone in such part of Scotland as they think fit to prevent the spread of the disease.

- (3) A declaration under this article shall designate—
- (a) the extent of the protection zone which shall be an area centred on the infected premises and of at least three kilometres radius; and
 - (b) the extent of the surveillance zone which shall be an area centred on the same premises and of at least ten kilometres radius.

Declaration of protection zones and surveillance zones on confirmation of the disease in England or Wales

31.—(1) This article applies if the Scottish Ministers are satisfied that the disease is present in England or Wales.

(2) If the Scottish Ministers are satisfied that the disease is present at premises (other than a slaughterhouse or border inspection post) in England which are within 10km of the border with Scotland they shall declare a surveillance zone in Scotland; if the premises are within 3km of the border they shall be under a duty also to declare a protection zone, otherwise, they may do so.

- (3) If the Scottish Ministers are satisfied that the disease is present at—
- (a) any premises in England or Wales further than 10km from the border with Scotland; or
 - (b) a slaughterhouse or border inspection post in England within 10km of the border with Scotland,

they may declare a protection zone, a surveillance zone, or both, in Scotland.

(4) A zone declared under this article shall be of such size as the Scottish Ministers think fit so as to prevent the spread of disease.

(5) A declaration under this article shall designate the extent of any zone declared and such extent may include part of the border with England.

- (6) In this article border inspection post means
- (a) in relation to England, a place specified as a border inspection post in Schedule 2 to the Animals and Animal Products (Import and Export) (England) Regulations 2005⁽¹⁶⁾; and
 - (b) in relation to Wales, a place specified as a border inspection post in Schedule 2 to the Animals and Animal Products (Import and Export) (Wales) Regulations 2005⁽¹⁷⁾.

Protection zones and surveillance zones: general provisions

32.—(1) The Scottish Ministers may, if they consider necessary, review the extent of any protection or surveillance zone declared.

(2) In determining the geographical extent of a protection zone and a surveillance zone, the Scottish Ministers shall take into account administrative boundaries, natural barriers, supervision facilities and information as to probable dispersion of the disease virus by air or other means.

⁽¹⁶⁾ S.I. 2005/2002.

⁽¹⁷⁾ S.I. 2005/1158 (W.75).

(3) Any premises which are partly inside and partly outside a protection zone shall be deemed to be wholly inside that zone.

(4) Any premises (except premises which are also partly inside a protection zone) which are partly inside and partly outside a surveillance zone shall be deemed to be wholly inside that zone.

(5) Any protection zone or surveillance zone is an infected area for the purposes of the Act.

Measures applicable in respect of protection zones and surveillance zones

33.—(1) The measures in Parts 1 and 2 of Schedule 4 apply in respect of a protection zone and those in Parts and 3 of Schedule 4 apply in respect of a surveillance zone.

(2) The Scottish Ministers may declare that any other measure they think fit so as to prevent the spread of disease shall apply in respect of the whole or any part of any protection zone or surveillance zone and any such measure shall then apply in respect of that protection zone or surveillance zone or that part of it.

(3) The Scottish Ministers shall not make a declaration under paragraph (2), unless they are satisfied that the measures to be applied by that declaration are—

- (a) necessary to prevent the spread of disease; and
- (b) a proportionate method of preventing such spread, taking into account the epidemiological, animal husbandry, commercial and social conditions in the protection zone or surveillance zone.

(4) If the Scottish Ministers restrict the movement of horses in a surveillance zone by a declaration under paragraph (2), they shall take into account the recommended measures in paragraph 2.2 of Annex VI to the Directive.

(5) An area shall remain a protection zone or surveillance zone until the declaration creating it is amended or revoked in accordance with article 36.

Veterinary inspection of premises in protection zones and surveillance zones

34.—(1) The Scottish Ministers shall ensure that each premises within a protection zone or a surveillance zone keeping susceptible animals is inspected as regularly as they think fit by a veterinary inspector.

(2) A veterinary inspector inspecting premises under this article shall ensure that the inspection includes—

- (a) clinical inspection of all susceptible animals; and
- (b) inspection of the records required to be created and maintained by paragraph 1 of Schedule 4.

Power to prohibit entry to land or agricultural buildings in a protection zone

35.—(1) Subject to paragraph (2), and with the prior written consent of the Scottish Ministers, an inspector may, notwithstanding the existence of any public footpath or other right of way, prohibit the entry of any person—

- (a) on to any land (excluding buildings but including any common, unenclosed or waste land);
or
- (b) into any agricultural building (excluding any dwellinghouse),

in a protection zone by causing a notice to that effect to be displayed at every entrance to that land or building.

(2) No person other than—

- (a) the owner of any animal on that land or in that building or a person authorised by him, who enters for the purpose of tending that animal; or
 - (b) a person entering under the authority of a licence granted by an inspector,
- shall enter any land or building in respect of which a notice is displayed under paragraph (1).
- (3) No person shall remove or alter a notice displayed under this article except at the direction of an inspector.
- (4) Any prohibition on entry to land or buildings imposed under this article is revoked if the declaration creating the protection zone is amended in accordance with article 36 so that the protection zone becomes part of a surveillance zone.
- (5) Any prohibition on entry to land or buildings imposed under this article may be revoked in whole or in part by—
- (a) the removal of all relevant notices in accordance with the directions of an inspector; or
 - (b) a declaration of the Scottish Ministers.

Amendment and revocation of declarations creating protection zones and surveillance zones

36.—(1) The Scottish Ministers may, where they are satisfied that the conditions in paragraph (2) are met, amend the declaration creating a protection zone so that the area within its boundaries becomes part of the surveillance zone centred on the same premises.

- (2) The conditions for amendment of a declaration creating a protection zone are—
- (a) at least 15 days have elapsed since the completion of any preliminary cleansing and disinfection in that protection zone; and
 - (b) a survey of all susceptible animals to substantiate the absence of infection has been carried out on behalf of the Scottish Ministers in that protection zone with negative results.
- (3) The Scottish Ministers may, where they are satisfied that the conditions in paragraph (4) are met, revoke the declaration creating a surveillance zone.
- (4) The conditions for revocation of a declaration creating a surveillance zone are—
- (a) at least 30 days have elapsed since completion of any preliminary cleansing and disinfection in the area within the boundaries of that surveillance zone;
 - (b) if the declaration creating that surveillance zone also created a protection zone centred on the same premises, it has previously been amended so that the protection zone has become part of the surveillance zone;
 - (c) if the declaration creating that surveillance zone did not create a protection zone centred on the same premises, any zone in England or Wales having equivalent effect to a protection zone and centred on the same premises as that surveillance zone is no longer in effect; and
 - (d) a survey of susceptible animals to substantiate the absence of infection has been carried out in that surveillance zone since that amendment on behalf of the Scottish Ministers with negative results.
- (5) An amendment or revocation under this article shall refer to the declaration creating the protection zone and surveillance zone and specify the date and time the amendment or revocation is to take effect.
- (6) In this article, “preliminary cleansing and disinfection” means cleansing and disinfection required by articles 27 and 28, undertaken in accordance with paragraphs 14 and 15 of Schedule 1 and ending 24 hours after the application of disinfectant.

Declaration of restricted zone

37.—(1) The Scottish Ministers may, on confirmation of the disease on premises in Great Britain, declare a restricted zone in such part of Scotland of such size as they think fit to prevent the spread of the disease—

- (a) where, following a thorough epidemiological assessment, the Scottish Ministers, having consulted the Chief Veterinary Officer (Scotland), are of the opinion that, despite the measures already taken, the disease appears to be spreading; or
- (b) when emergency vaccination is implemented in Great Britain or any part thereof.

(2) Where paragraph (1)(b) applies, the restricted zone shall cover at least the vaccination zone insofar as it is within Scotland.

(3) The epidemiological assessment shall include consideration of the possible time and probable location of the introduction of disease to Great Britain, its possible spread and the probable period of time necessary to eradicate it.

(4) An area shall remain a restricted zone (or part of one) until—

- (a) such date as may be stated in the declaration;
- (b) the Scottish Ministers amend the declaration to exclude that area; or
- (c) the Scottish Ministers revoke the declaration.

(5) Any amendment or revocation of a declaration creating a restricted zone shall refer to that declaration and state the date and time it is to take effect.

(6) Any premises which are partly inside and partly outside a restricted zone shall be deemed to be wholly inside that zone except premises which are also partly inside—

- (a) a temporary control zone;
- (b) a supplementary movement control zone;
- (c) a protection zone;
- (d) a surveillance zone;
- (e) a vaccination zone;
- (f) a vaccination surveillance zone; or
- (g) a wild animal infected zone.

Measures applicable in restricted zones

38.—(1) The measures in Schedule 6 to this Order apply to a restricted zone in addition to any requirements or restriction applying in any part of it because of a zone listed in paragraph 37(6).

(2) The Scottish Ministers may declare that any other measure they think fit so as to prevent the spread of disease applies in respect of the whole or any part of any restricted zone and any such measure shall then apply in respect of that restricted zone or that part of it.

Confirmation of the disease in wild animals and declaration of a wild animal infected zone

39.—(1) The Scottish Ministers shall, on confirmation of the disease in any wild animal in Great Britain declare an area to be a wild animal infected zone in such part of Scotland and of such size as they think fit to prevent the spread of disease.

(2) A wild animal infected zone shall remain in effect until—

- (a) the Scottish Ministers amend the declaration to exclude that area; or
- (b) the Scottish Ministers revoke the declaration.

(3) Any amendment or revocation of a declaration creating a wild animal infected zone shall refer to that declaration and state the date and time it is to take effect.

(4) Any premises which are partly inside and partly outside a wild animal infected zone shall be deemed to be wholly inside that zone.

(5) Any wild animal infected zone is an infected area for the purposes of the Act.

Measures applicable in wild animal infected zones

40.—(1) The measures in Schedule 7 of this Order apply in a wild animal infected zone in addition to any measures applying in any part of it because of—

- (i) a protection zone;
- (ii) a surveillance zone;
- (iii) a vaccination zone; or
- (iv) a vaccination surveillance zone.

(2) The Scottish Ministers may declare that any other measure they think fit so as to prevent the spread of disease applies in respect of the whole or any part of any wild animal infected zone and any such measure shall then apply in respect of that wild animal infected zone or part of it.

PART 4

Horses

Specific provision as to the movement of horses

41. Schedule 8 to this Order, which makes specific provision as to horses, shall apply.

PART 5

General and supplementary provisions

Production of licences and unloading after certain licensed movements of susceptible animals

42.—(1) Every person issued with a licence under this Order shall, while executing the activity permitted by that licence, carry the licence and produce it to an inspector on demand.

(2) Paragraphs (3) and (4) apply where any of the following licences are granted for movement of susceptible animals between premises, unless that licence provides otherwise—

- (a) a licence for movement to or from premises in a temporary control zone under article 16(2) or Schedule 2, paragraph 4 (movement of susceptible animals);
- (b) a licence for movement to a slaughterhouse under Schedule 4, paragraph 10 (movement of susceptible animals from or to premises within a protection zone);
- (c) a licence for movement to a slaughterhouse under Schedule 4, paragraph 26 (movement of animals from premises within a surveillance zone);
- (d) a licence for movement to or from premises in a restricted zone under Schedule 6, paragraph 1 (movement of susceptible animals in a restricted zone).

(3) Where this paragraph applies, no person shall unload susceptible animals at premises to which they are moved unless that person first gives the movement licence to the occupier of those premises or the occupier's authorised representative.

(4) Where this paragraph applies, the occupier of any premises to which susceptible animals are moved shall—

- (a) forward the movement licence without delay to the local authority and, in the case of a slaughterhouse, provide a copy to any official veterinary surgeon appointed for those premises;
- (b) retain a copy of the licence for a period of six months and produce it on request for inspection by an inspector; and
- (c) in the case of a collecting centre, ensure that sheep are marked or tagged in accordance with the directions of an inspector so as to enable the identity of the collecting centre and the premises from which they were moved to be established throughout their onward movement to a slaughterhouse.

Further provision relating to certain premises

43.—(1) This article applies to the following premises—

- (a) a laboratory, zoo, wildlife park or other premises where susceptible animals are kept principally for the purposes of display and education of the public, or an enclosed area principally used for shooting;
- (b) premises not falling within sub paragraph (a) of a body, institute or centre which—
 - (i) keeps susceptible animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research; and
 - (ii) is approved in relation to those animals under regulation 9 of the Animal and Animal Products (Import and Export) (Scotland) Regulations 2000⁽¹⁸⁾;
- (c) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources.

(2) The Scottish Ministers shall take such steps as they consider necessary to prevent the spread of disease to premises to which this article applies.

(3) In taking such steps, the Scottish Ministers may—

- (a) require the detention and isolation of any vehicle, equipment or other thing on premises to which this article applies and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier, or on the person in charge of the vehicle, equipment or other thing;
- (b) require the cleansing and disinfection of—
 - (i) any premises to which this article applies in accordance with Schedule 1 by serving a notice requiring it on the occupier; or
 - (ii) any person or that person's clothing or footwear by serving a notice on that person requiring it;
- (c) require the removal, cleansing and disinfection or destruction of the clothing or footwear of any person by serving notice on that person requiring it;
- (d) require any person to cleanse himself by serving a notice requiring it on him;

⁽¹⁸⁾ S.S.I. 2000/216.

- (e) require the detention or isolation in a specified place of any animal or poultry on premises to which this article applies by serving a notice requiring it on the occupier, or on its keeper;
- (f) require the separation of any animal or poultry from other animals or poultry on premises to which this article applies by serving a notice requiring it on the occupier of the premises, or on its keeper;
- (g) prohibit the movement of any animal on to or from premises to which this article applies, or make such movement subject to the grant of a licence by serving a notice on the occupier prohibiting it or prohibiting it except under licence;
- (h) prohibit the movement of any person or persons on to premises to which this article applies and which are open to the public, or make such movement subject to the grant of a licence by serving a notice on the occupier prohibiting it or prohibiting it except under licence.

Duty of the local authority to erect signs

44. The local authority shall ensure that the boundaries of the following zones are indicated by signs erected in a conspicuous position on those roads entering the zones on which it considers susceptible animals are likely to be moved as soon as is reasonably practicable after declaration of the zones—

- (a) every temporary control zone;
- (b) every supplementary movement control zone;
- (c) every protection zone;
- (d) every surveillance zone;
- (e) every restricted zone;
- (f) every wild animal infected zone.

Cleansing and disinfection of vehicles transporting susceptible animals

45.—(1) Subject to paragraph (3), where cleansing and disinfection of any vehicle in accordance with this article is required, it shall be carried out in accordance with Schedule 2 of the Transport of Animals (Cleansing and Disinfection) (Scotland) Order 2005 and with any additional directions an inspector may give by serving a notice on the person in charge of the vehicle.

(2) Such cleansing and disinfection shall be undertaken—

- (a) before loading; and
- (b) after unloading and before leaving the premises of destination.

(3) Such cleansing and disinfection shall also be undertaken after loading and before leaving the premises of origin in respect of the wheels and wheel arches only of the vehicle to ensure they are clean on leaving the premises.

Cleansing and disinfection of vehicles: provision of facilities, equipment and materials

46. Where cleansing and disinfection of vehicles is required at any premises by this Order or by virtue of a licence granted or directions given under it, the occupier of those premises shall, at that person's own expense, provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

Marks applied under this Order

47. No person shall remove, obscure or erase a mark applied to any animal, carcass, animal product, vehicle or other thing under this Order unless an inspector has given written authority.

Change of occupation of premises under restriction

48.—(1) This article applies if the keeper of any animal or poultry is unable to move it from premises on the termination of the keeper’s right of occupation because of a restriction imposed by or under this Order and continues to apply for 7 days after the last such restriction is removed.

(2) Where this article applies, the person entitled to occupation of the premises on that termination shall—

- (a) provide such facilities for feeding, tending or otherwise using such animal or poultry (including selling it) as the keeper may reasonably require; and
- (b) allow entry to the premises to that keeper and any person authorised by that keeper at reasonable times for feeding, tending or otherwise using such animal or poultry.

(3) If the keeper is unable or unwilling to feed or tend such animal or poultry, the person entitled to occupation of the premises shall take such steps as are necessary to ensure the animal or poultry is properly fed and tended.

(4) The keeper of the animal or poultry is liable to pay the reasonable costs incurred under this article by any person feeding or tending that animal or poultry, or providing facilities for feeding, tending or otherwise using it under this article.

Reasonable assistance

49. Any person required to give reasonable assistance or information to a person acting in the execution of this Order for the performance of the latter person’s functions under it shall, unless that person has reasonable cause, do so without delay.

False information

50. No person shall furnish information which that person knows to be false or misleading to a person acting in the execution of this Order.

Production of records

51.—(1) Any person required to produce a record by a person acting under this Order shall do so without delay.

(2) On such production, a person acting under this Order may—

- (a) copy any records, in whatever form they may be held;
- (b) remove any records to enable them to be copied, or where they are kept electronically; require them to be produced in a form which may be taken away.

(3) A person removing records under this article shall give a written receipt to the person in charge of them.

Compliance with notices and directions

52.—(1) Any notice served under this Order shall be complied with at the expense of the person on whom it is served, except where otherwise provided in that notice.

(2) Any direction given under this Order shall be complied with at the expense of the person to whom it is given, except where otherwise provided in a written direction of the Scottish Ministers.

Retention of records

53. Any person making a record required by this Order shall retain it for the following period—

- (a) for a record made under paragraph 12 of Schedule 1, six years unless the record relates solely to the cleansing and disinfection of a vehicle, in which case six months;
- (b) for a record made under—
 - (i) paragraph 1 of Schedule 2;
 - (ii) paragraph 1 of Schedule 4; or
 - (iii) paragraph 2 of Schedule 7,
 three years after the requirement to maintain records in the relevant paragraph ceases to have effect in relation to the premises.

General powers of veterinary inspectors to take action to prevent the spread of disease

54.—(1) This article applies—

- (a) in any zone declared under this Order, that is to say—
 - (i) a temporary control zone;
 - (ii) a supplementary movement control zone;
 - (iii) a protection zone;
 - (iv) a surveillance zone;
 - (v) a restricted zone; and
 - (vi) a wild animal infected zone; and
- (b) on any premises subject to restriction under this Order, that is to say—
 - (i) premises subject to Schedule 2 by virtue of article 8(3), 8(5), 9 or 10(2),
 - (ii) suspect premises;
 - (iii) contact premises; and
 - (iv) infected premises.

(2) Where this article applies, a veterinary inspector may, if the veterinary inspector considers it necessary to prevent the spread of disease require—

- (a) the detention and isolation of any vehicle, equipment or other thing and its subsequent cleansing and disinfection by serving a notice requiring such action on the occupier of the premises where it is present, or on the person in charge of it;
- (b) the cleansing and disinfection of—
 - (i) any premises in accordance with Schedule 1 by serving a notice requiring it on the occupier of those premises; or
 - (ii) any person or the person's clothing or footwear by serving a notice on that person requiring it;
- (c) the removal, laundering, cleansing and disinfection or destruction of the clothing or footwear of any person by serving a notice on that person requiring it;
- (d) a person to cleanse himself by serving a notice on that person requiring it;
- (e) the detention or isolation in a specified place of any animal or poultry by serving a notice requiring it on the occupier of the premises where it is present, or on its keeper;
- (f) the separation of any animal or poultry from other animals or poultry by serving a notice requiring it on the occupier of the premises where it is present, or on its keeper.

(3) A notice under this article may contain such directions and conditions as the person serving it considers necessary to prevent the spread of disease.

(4) The powers conferred on a veterinary inspector by this article are without prejudice to powers conferred by any other provision of this Order.

Powers of inspectors in case of default

55.—(1) Where a person fails to comply with a requirement of this Order or a licence granted, notice served or direction given under it, an inspector may take any steps which the inspector considers necessary to ensure the requirement is met.

(2) Where a person fails to comply with a requirement of this Order or a licence granted, notice served or direction given under it an inspector may take any steps which the inspector considers necessary to rectify the situation so as to prevent the spread of disease.

(3) In taking steps under paragraph (1) or (2), an inspector may seize any animal moved, kept or otherwise dealt with in contravention of this Order or a notice served, licence granted or direction made under it and detain or dispose of it.

(4) In taking steps under paragraph (2), an inspector may by notice served on any person direct that person to take or refrain from specified action in respect of any place, animal, poultry, vehicle, animal product or other thing.

(5) Any steps taken are without prejudice to proceedings for an offence arising out of the default.

(6) The person in default shall reimburse any reasonable expenses incurred by the Scottish Ministers or the local authority in taking such steps.

Offences by body corporate

56.—(1) Where a body corporate is guilty of an offence against the Act, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any capacity,

he as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1), “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate and “body corporate” includes a partnership in Scotland, and, in relation to such a partnership, a reference to a director or other officer of a body corporate is a reference to a partner.

Offences: no knowledge of restriction or requirement

57. No person shall be guilty of failing to comply with a restriction or requirement imposed by declaration of—

- (a) a temporary control zone;
- (b) a supplementary movement control zone;
- (c) a protection zone;
- (d) a surveillance zone;
- (e) a restricted zone; or
- (f) a wild animal infected zone

if that person shows to the court’s satisfaction that the person did not know of that restriction or requirement and that the person could not with reasonable diligence have obtained knowledge of it.

Enforcement

- 58.**—(1) Subject to paragraphs (2) and (3), this Order shall be enforced by the local authority.
- (2) This Order shall be enforced in relation to slaughterhouses by the Scottish Ministers.
- (3) The Scottish Ministers may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority under this Order shall be discharged by the Scottish Ministers and not by the local authority.

PART 6

Amendments and revocations

Amendment to the Diseases of Animals (Approved Disinfectants) Order 1978

59. In article 2 of the Diseases of Animals (Approved Disinfectants) Order 1978(**19**), for the definition “Foot and Mouth Disease Orders”, substitute “Foot and Mouth Disease Orders means the Foot-and-Mouth Disease (Scotland) Order 2006 and the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006”.

Amendment to the Foot-and-Mouth Disease (Ascertainment of Value) (Scotland) (No. 4) Order 2001

60. In the Foot-and-Mouth Disease (Ascertainment of Value) (Scotland) (No. 4) Order 2001(**20**) in article 2(6), after the words “Animal Health Act 1981”, insert “or regulation 8(2) or 9(1) of the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006”.

Revocations

61. The Orders and Regulations listed in Schedule 10 are revoked to the extent specified in that Schedule.

St Andrew’s House,
Edinburgh
6th February 2006

ROSS FINNIE
A member of the Scottish Executive

(19) S.I. 1978/32, as relevantly amended by S.I. 1978/934 and 1999/919, S.S.I. 2001/45 and 51, S.S.I. 2003/34, S.S.I. 2004/537, S.S.I. 2005/99 and S.S.I. 2005/587.

(20) S.I. 2001/297.