
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 44

ANIMALS

ANIMAL HEALTH

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

Made - - - - *6th February 2006*

Coming into force - - *23rd February 2006*

The Scottish Ministers, in exercise of the powers conferred upon them by sections 1, 7(1), 8(1), 13, 15(3), 15(4), 17(1), 23, 25, 26, 28, 34(7), 83(2), 87(2) and 87(5) of the Animal Health Act 1981⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Order:

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;

(1) 1981 c. 22, amended by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I. 1992/3293). The functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) are now exercisable by the Scottish Ministers. They were transferred, so far as exercisable within devolved competence, by virtue of section 53 of the Scotland Act 1998.

“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⁽²⁾;

“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⁽³⁾;

“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⁽⁴⁾ and the Animal By-Products (Scotland) Regulations 2003⁽⁵⁾, 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⁽⁶⁾ and “health mark” shall be construed accordingly;

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

(2) S.S.I. 2000/216, to which there are amendments not relevant to this Order.

(3) O.J. No. L 306, 22.11.03, p.1.

(4) 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).

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

(6) 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).

“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⁽⁷⁾ 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;

“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;

(7) 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).

“the Regulations” means the Foot and Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006⁽⁸⁾;

“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⁽⁹⁾; 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⁽¹⁰⁾ or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995⁽¹¹⁾;

“slaughter” includes killing within the meaning of that term in the Welfare of Animals (Slaughter or Killing) Regulations 1995⁽¹²⁾ 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;

⁽⁸⁾ S.S.I. 2006/ .

⁽⁹⁾ 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).

⁽¹⁰⁾ 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.

⁽¹¹⁾ 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.

⁽¹²⁾ S.I. 1995/731, to which there are amendments not relevant to these Regulations.

- (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(13);

“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—

- (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(14).

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(15) 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.

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.

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

(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(16), 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.

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—

(16) 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).

- (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⁽¹⁷⁾; 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⁽¹⁸⁾.

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.

(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 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.

⁽¹⁷⁾ S.I. 2005/2002.

⁽¹⁸⁾ S.I. 2005/1158 (W.75).

(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⁽¹⁹⁾;
 - (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;
 - (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;

⁽¹⁹⁾ S.S.I. 2000/216.

- (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, carcase, 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⁽²⁰⁾, 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⁽²¹⁾ 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

⁽²⁰⁾ 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.

⁽²¹⁾ S.I. 2001/297.

SCHEDULE 1

Articles 27(2) and 28

Cleansing and Disinfection of premises

PART 1

General procedures for cleansing and disinfection of premises

1. This Part applies to all cleansing and disinfection of premises (including cleansing and disinfection of vehicles, equipment and other things liable to spread disease on those premises).

2. The Scottish Ministers may by notice served on the occupier of any premises direct that any cleansing and disinfection operation shall be carried out by that person and such notice shall specify whether such cleansing and disinfection is to be carried out at the expense of that person or at the expense of the Scottish Ministers.

3. Every person carrying out cleansing or disinfection of premises under this Order shall do so in accordance with this Schedule and with any directions given by an inspector.

4. Disinfectants shall be—

- (a) approved for use for the purposes of this Order and the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006 by the Diseases of Animals (Approved Disinfectants) Order 1978⁽²²⁾;
- (b) used at the concentration specified in that Order; and
- (c) used in accordance with the manufacturer's instructions or recommendations (if any) and in particular, if use is recommended before any date, used before that date.

5. Used litter and faecal matter shall be thoroughly soaked with disinfectant.

6. After carrying out operations described in paragraph 5, all surfaces which may be contaminated shall be subject to a further application of disinfectant for a minimum contact time as stipulated in the manufacturer's recommendations.

7. All surfaces which may be contaminated shall be brushed and scrubbed thoroughly, in particular floors, ramps, walls and the ground, followed by an application of disinfectant.

8. Equipment or other things obstructing thorough cleansing and disinfection shall be moved or dismantled where this is reasonably practicable.

9. Water used for cleansing shall be disposed of so as to minimise the risk of spread of the disease virus.

10. Washing of surfaces with liquids under pressure shall be carried out so as to minimise any risk of contamination.

11. Equipment, installations or other things which may be contaminated shall be cleansed and disinfected or destroyed.

12.—(1) All cleansing and disinfection operations shall be recorded in writing by the person carrying it out.

(2) The record shall include the date and time of the operation.

(3) The person in charge of a vehicle which is cleansed and disinfected under this Schedule shall ensure, so far as is possible, that the record is kept with the vehicle at all times.

(22) S.I. 1978/32, amended by this Order; there are other amending instruments but none is relevant.

PART 2

Cleansing and disinfection of infected premises

13. This Part applies to the cleansing and disinfection of infected premises.

Preliminary disinfection of infected premises

14. Cleansing and disinfection shall be carried out during and immediately following slaughter so as to minimise the risk of disease spread and in accordance with the directions of an inspector.

15. Following slaughter—

- (a) every carcase shall be sprayed with disinfectant;
- (b) carcasses (together with any tissue, blood or contaminated material spilled during or immediately following slaughter) removed from the premises for disposal shall be contained in covered, leak-proof containers; and
- (c) all parts of the premises which housed susceptible animals, and any parts of buildings and yards and other surfaces which may have been contaminated during or after slaughter, shall be sprayed with disinfectant.

16. Disinfectant shall not be removed for at least 24 hours after application.

Final cleansing and disinfection of infected premises

17. Grease and dirt shall be removed from all surfaces by the application of a degreasing agent and washed with water.

18. Following degreasing and washing with water, disinfectant shall be reapplied.

19. At least seven days after the reapplication of disinfectant, the operations in paragraphs 17 and 18 shall be repeated, followed by final washing with water.

PART 3

Disinfection of contaminated used litter, manure and slurry

20. This Part shall apply to the disinfection of contaminated used litter, manure and slurry on premises except to the extent that it is varied by a notice served on the occupier by the Scottish Ministers.

21. The bedding and the solid phase of manure shall be stacked to heat. Unless otherwise directed by the Scottish Ministers this shall be achieved by adding 100kg granulated quick lime to each 1m³ of material. The stack shall be heated to a temperature of at least 70°C throughout, sprayed with disinfectant and left for at least 42 days. During this period the stack shall either be covered or re-stacked so as to ensure thermic treatment of all layers.

22.—(1) The slurry and the liquid phase of manure shall be stored for at least the period in sub paragraph (2) after the last addition of infective material.

(2) The period for the purposes of sub paragraph (1) is 42 days or such other period as the Scottish Ministers directs by notice served on the occupier having taken into account—

- (a) the extent of the contamination;
- (b) the weather conditions; and
- (c) the pH of the substance after disinfection and its likely effect on the disease virus.

PART 4

Special cases

23. Where the Scottish Ministers are satisfied that, for technical or security reasons, cleansing and disinfection of premises cannot be completed in accordance with the preceding requirements of this Schedule, they shall serve a notice on the occupier notifying the occupier of that opinion and paragraph 24 then applies to those premises.

24. Cleansing and disinfection of premises served with a notice under paragraph 23 shall be carried out in accordance with the directions of an inspector in such a manner as to minimise the risk of the spread of the disease virus.

SCHEDULE 2

Articles 8(3), 8(5), 9(1) and (2) 10(2),
13(7) and 16(3)

Measures applicable to premises on suspicion or confirmation of disease

Record keeping

1.—(1) Subject to sub paragraph (4), the occupier shall create and maintain the following records in respect of the premises—

- (a) the number of each species of animal;
- (b) for each species of susceptible animal, the number of dead animals, the number suspected of being infected and the number suspected of being contaminated; and
- (c) the stock of milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, fodder and used litter,

and immediately communicate such records to the Divisional Veterinary Manager in the form required.

- (2) Records shall be kept in a form approved for the purpose by the Scottish Ministers.
- (3) The occupier shall—
 - (a) maintain the records kept under sub paragraph (1)(a) and by updating them within 24 hours of any change;
 - (b) communicate changes to the records kept under sub paragraphs (1)(a) and (b) (including new births and deaths) within 24 hours; and
 - (c) make all such records available to an inspector on demand, for verification by such inspector, at each visit to the premises.
- (4) This paragraph does not apply to any person subject to paragraph 1 of Schedule 4.

Signs publicising infection or suspicion

- 2.** The occupier shall ensure that—
 - (a) any signs supplied by the Department are displayed in a conspicuous place at the main entrance to the premises or as directed by an inspector; or
 - (b) if no signs have been supplied by the Department, a sign reading “FOOT-AND-MOUTH DISEASE KEEP OUT” in block letters at least 10cm high is erected and maintained at every entrance to the premises.

Isolation, removal and detention of susceptible animals

3.—(1) The occupier shall ensure that susceptible animals are kept in their living quarters or otherwise isolated from persons not attending them and from non-susceptible animals.

(2) On service of a notice by an inspector requiring it the occupier shall—

- (a) isolate any specified animal or group of animals from all other animals on such part of the premises as is specified; or
- (b) remove any specified animal or group of animals from such part of the premises as is specified and detain that animal or those animals on such other part of the premises as is specified.

(3) No person shall move any animal isolated or detained under a notice served under sub paragraph (2) except under the authority of a licence granted by an inspector.

Movement of susceptible animals

4.—(1) Subject to the provisions of this paragraph no person shall move any susceptible animal on to or off the premises.

(2) The prohibition in sub paragraph (1) does not apply to susceptible animals leaving contact premises (other than contact premises in a temporary control zone)—

- (a) under the authority of a licence granted by an inspector and after the incubation periods for all susceptible animals on the premises have elapsed, calculated from the date of imposition of the measures in this Schedule; or
- (b) where the movement is direct to a slaughterhouse for emergency slaughter and is under the authority of a licence granted by an inspector.

(3) No inspector shall grant a licence under sub paragraph (2)(b) unless the inspector is satisfied that the animals to be moved have been clinically examined by a veterinary inspector with a negative result and the slaughterhouse is the nearest slaughterhouse to the premises with capacity to slaughter the animals.

(4) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub paragraph (2)(b) shall ensure that it is cleansed and disinfected without delay in accordance with article 45.

(5) The prohibition in sub paragraph (1) shall not apply to animals entering or leaving free units (other than free units in a temporary control zone).

(6) The prohibition in sub paragraph (1) shall not apply to the movement of animals from infected premises for slaughter under the authority of a licence granted by the Scottish Ministers due to the existence of exceptional circumstances.

(7) The prohibition in sub paragraph (1) shall not apply to movement from one part of premises to another part of the same premises using a public highway if it is authorised by a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

Movement of things liable to transmit disease

5.—(1) Subject to the provisions of this paragraph, no person shall move from the premises any meat, carcase, meat product, milk, milk product, semen, ovum or embryo of a susceptible animal.

(2) Where the Scottish Ministers are satisfied that, due to storage difficulties, it is not reasonable to require milk to be kept on the premises, they may—

- (a) serve a notice requiring that milk is destroyed on the premises; or
- (b) grant a licence authorising milk to be transported under veterinary supervision from the premises to the nearest place available for disposal or treatment to destroy disease.

(3) Transport of milk under the authority of a licence granted under sub paragraph (2)(b) shall be carried out in a vehicle which an inspector has approved as equipped to ensure that there is no risk of spreading disease.

(4) If the Scottish Ministers grant a licence under sub-paragraph (2)(b), they shall serve a notice on the person in charge of the premises to which milk is transported directing the method of disposal or treatment.

Movement of fodder

6. No person shall move from the premises or cause or permit to be moved any fodder, utensils, wool, hide or skin, bristles, animal waste, slurry, manure or any other thing liable to transmit disease except under the authority of a licence granted by the Scottish Ministers.

Movement of persons on to or off the premises

7. No person shall enter or leave the premises unless—
- (a) his principal residence is a dwelling on the premises;
 - (b) his place of employment is the premises;
 - (c) it is necessary for the provision of emergency services; or
 - (d) he is authorised to do so by a licence granted by the Scottish Ministers.

Cleansing and disinfection of clothing, etc

- 8.—(1) No person shall enter or leave the premises—
- (a) wearing clothes or boots which are visibly contaminated with mud, slurry, animal faeces, droppings, excretions or any similar matter; or
 - (b) without cleansing and disinfecting the outer surfaces of that person's footwear in accordance with the directions of an inspector.
- (2) No person shall enter any part of the premises—
- (a) in which an animal which is infected or suspected of being infected is being kept or has recently been kept; or
 - (b) in order to attend to or treat an animal,

unless wearing clothing and footwear approved by an inspector.

(3) No person shall leave any such part of the premises without having cleansed and disinfected that person's hands to the satisfaction of an inspector and having either—

- (a) cleansed and disinfected that person's clothing and footwear to the satisfaction of an inspector; or
- (b) removed such clothing and footwear for laundering, cleansing and disinfection or destruction as an inspector reasonably directs by notice served on that person.

(4) A notice under sub paragraph (3)(b) shall specify the required method of laundering, cleansing and disinfection or disposal.

Disinfection

9.—(1) The occupier shall provide and renew such clean water and means of disinfection as an inspector directs at every entrance to the premises and at every entrance to a building where susceptible animals are kept.

(2) The occupier shall ensure that any slurry or shed washings are disinfected in accordance with the directions of an inspector before they are permitted to drain or escape from any part of the premises where an infected animal or an animal suspected of being infected or contaminated is or has been kept.

Movement of vehicles on to or off the premises

- 10.** No person shall move any vehicle on to or off the premises unless the movement is—
- (a) necessary for the provision of emergency services; or
 - (b) authorised by a licence granted by the Scottish Ministers specifying conditions necessary to minimise the risk of spread of the disease virus.

Movement of non-susceptible animals

11. No person shall move from the premises any non-susceptible animal unless authorised to do so by a licence granted by the Scottish Ministers.

Control of rodents

12. The occupier shall take steps to destroy any rats, mice and other rodents on the premises (other than pet rats, mice and other rodents) so far as this is possible.

SCHEDULE 3

Article 11(11)

Criteria for confirming the disease

1. Disease virus has been isolated from an animal, any product derived from that animal, or its environment.

2. Clinical signs consistent with the disease are observed in a susceptible animal, and the viral antigen or viral ribonucleic acid (RNA) specific to one or more of the serotypes of the disease virus has been detected and identified in samples collected from the animal or animals of the same epidemiological group.

3. Clinical signs consistent with the disease are observed in a susceptible animal and the animal or its cohorts have tested positive for antibody to the disease virus structural or non structural proteins, provided that previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity.

4. Viral antigen or viral RNA specific to one or more of the serotypes of the disease virus has been detected and identified in samples collected from susceptible animals and the animals are positive for antibody to disease virus structural or non-structural proteins, provided that in the case of antibodies to structural proteins previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity.

5. An epidemiological link has been established to infected premises and at least one of the following conditions applies—

- (a) one or more animals are positive for antibody to the disease virus structural or non-structural proteins, provided that previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity;
- (b) viral antigen or viral RNA specific to one of the serotypes of the disease virus has been detected and identified in samples collected from one or more susceptible animals;

- (c) serological evidence of active infection with the disease has been established in one or more susceptible animals, and previous vaccination, residual maternal antibodies or non-specific reactions can be excluded as possible causes of seropositivity by detection of seroconversion from negative to positive for antibody to the disease virus structural or non structural proteins (where a previous seronegative status cannot reasonably be expected, carried out in paired samples collected from the same animals on two or more occasions at least 5 days apart, in the case of structural proteins, and at least 21 days apart, in the case of non-structural proteins);
- (d) clinical signs consistent with the disease are observed in a susceptible animal.

SCHEDULE 4

Article 21(2), 33(1) and paragraph 1 of
Schedule 2

Measures applicable in protection zones and surveillance zones

PART 1

Measures applicable in both protection zones and surveillance zones

Record keeping in protection and surveillance zones

1.—(1) The occupier of each premises keeping susceptible animals within a protection zone or a surveillance zone shall create and maintain the following records in respect of the premises—

- (a) the number of each species of animal kept;
- (b) for each species of susceptible animal, the number of dead, the number suspected of being infected and the number suspected of being contaminated;
- (c) the stock of milk, milk products, meat, meat products, carcasses, hides and skins, wool, semen, embryos, ova, slurry, manure, fodder and used litter.

(2) Records shall be kept in a form approved for the purpose by the Scottish Ministers.

(3) The occupier shall maintain the records kept under sub paragraphs (1)(a) and (1)(b) by updating them within 24 hours of any change.

Straying of susceptible animals

2.—(1) The keeper of a susceptible animal in a protection zone or a surveillance 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 protection zone or a surveillance zone and if, having made reasonable inquiries, the inspector cannot ascertain the owner, the inspector may arrange for its destruction.

Control of dogs and poultry in protection zones and surveillance zones

3.—(1) The owner of any dog in a protection zone or a surveillance zone shall keep it under control by—

- (a) confining it in a dwellinghouse, kennel or other enclosure;
- (b) securing it to a fixed object by a collar and chain; or
- (c) accompanying it or ensuring that it is accompanied by a responsible person.

(2) An inspector may seize any dog which is not kept under control in accordance with sub paragraph (1) and deal with it as if it was a dog seized under the powers conferred by section 149 of the Environmental Protection Act 1990(23).

(3) An inspector may, if the inspector considers any dog or poultry not to be under control, by notice served on the occupier of any premises where it is kept, require the occupier to keep such dog or poultry under control, or to confine it to the part of the premises specified in the notice.

Shearing or dipping sheep in a protection zone or a surveillance zone

4.—(1) Subject to the provisions of this paragraph, no person shall—

- (a) shear or dip sheep; or
- (b) handle fleeces or sheep during shearing or dipping,

in a protection zone or a surveillance zone except where authorised by a licence granted by an inspector.

(2) The prohibition in sub paragraph (1) does not apply to the occupier of any premises or the occupier's employees (other than any person employed by the occupier primarily for the purpose of shearing or dipping sheep) in respect of the shearing or dipping of sheep kept on those premises.

(3) In this article—

- (a) “shearing” includes clipping and dagging; and
- (b) “dipping” includes showering and jetting sheep with sheep dip.

Ultrasound scanning of susceptible animals in a protection zone or a surveillance zone

5.—(1) Subject to the provisions of this paragraph, no person shall carry out ultrasound scanning, clipping, foot paring, freeze branding or other livestock service of susceptible animals in a protection zone or a surveillance zone except where authorised by a licence granted by an inspector.

(2) The prohibition in sub paragraph (1) shall not apply to the occupier of any premises or the occupier's employees (other than any person employed by the occupier primarily for the purpose of carrying out the livestock service in question) in respect of the carrying out of ultrasound scanning clipping, foot paring, freeze branding or other livestock service of susceptible animals kept on those premises using equipment of which the occupier is the owner or person in charge.

Semen, ova and embryos collected in a protection zone or a surveillance zone

6.—(1) This paragraph applies to semen, ova and embryos collected from susceptible animals originating in a protection zone or surveillance zone.

(2) No person shall sell or consign for sale—

- (a) any ova or embryos unless they comply with sub paragraph (3); or
- (b) any semen unless it complies with sub paragraph (3) or (4).

(3) Semen, ova and embryos comply with this sub paragraph if they satisfy the following requirements—

- (a) they are frozen;
- (b) they were collected and stored more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone; and
- (c) they have at all times been stored separately from semen, ova and embryos which were not so collected and stored.

(23) 1990, c. 43.

- (4) Semen complies with this sub paragraph if it satisfies the following requirements—
- (a) it is frozen;
 - (b) it was collected and stored 21 or fewer days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, or on or after that infection date;
 - (c) it was at all times stored separately from semen which was not so collected and stored;
 - (d) it is not sold or consigned for sale until the premises on which it was collected is no longer in a protection or surveillance zone; and
 - (e) a veterinary inspector certifies by notice served on the owner of the semen that the veterinary inspector has—
 - (i) clinically examined all susceptible animals on the premises on which it was collected;
 - (ii) subjected a serological sample from each such animal to a test with the result that infection is not suspected; and
 - (iii) subjected a serological sample taken from the donor animal 28 days or more after collection of the semen to a test for the detection of antibodies against disease with a negative result.

Hides and skins of susceptible animals originating in a protection zone or a surveillance zone

7.—(1) This paragraph applies to hides and skins of susceptible animals originating in a protection zone or a surveillance zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless either—

- (a) it was—
 - (i) produced more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone; and
 - (ii) at all times stored separately from hides and skins which were not so produced; or
- (b) it has been treated so that it falls within paragraph 2 of Schedule 5.

Wool, ruminant hair and pig bristles from animals originating in a protection zone or a surveillance zone

8.—(1) This paragraph applies to wool, ruminant hair and pig bristles from animals originating in a protection zone or a surveillance zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless either—

- (a) it was—
 - (i) produced more than 21 days before the earliest infection date in the protection zone, or in the case of a surveillance zone, the associated protection zone, and
 - (ii) at all times stored separately from wool, ruminant hair and pig bristles which were not so produced; or
- (b) it has been treated so that it falls within paragraph 3 of Schedule 5.

Other animal products produced in a protection zone or a surveillance zone or from animals originating in such a zone

- 9.—(1) This paragraph applies to animal products other than—
- (a) fresh meat, minced meat, mechanically separated meat and any meat preparation;
 - (b) milk and any milk product;
 - (c) semen, ova and embryos;
 - (d) hides and skins; and
 - (e) wool, ruminant hair and pig bristles,

if it is produced in a protection zone or surveillance zone from susceptible animals, or from susceptible animals originating in a protection zone or surveillance zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless it satisfies one of the following requirements—

- (a) it was—
 - (i) produced more than 21 days before the earliest infection date within the protection zone, or in the case of a surveillance zone, the associated protection zone, and
 - (ii) at all times stored and transported separately from animal products not so produced;
- (b) it has been treated so that it falls within paragraph 4 of Schedule 5;
- (c) where it is referred to in one of paragraphs 5 to 9 of Schedule 5, has been treated so that it falls within that paragraph;
- (d) it forms part of a composite product (that is, a manufactured or processed product containing more than one ingredient at least one of which is an animal product) not subject to further treatment and has either—
 - (i) been treated to ensure the destruction of disease, or
 - (ii) not been produced from susceptible animals originating on infected premises, suspect premises or contact premises or in a temporary control zone, protection zone or surveillance zone or vaccination zone;
- (e) it is a packaged product ready for use—
 - (i) as a reagent, reagent product, calibrator, kit or any other system (whether used alone or in combination),
 - (ii) in vitro for the examination of samples of human or animal origin (with the exception of donated organs or blood), and
 - (iii) solely or principally with a view to the diagnosis of a physiological state, state of health, disease or genetic abnormality or to determine safety and compatibility with reagents.

PART 2

Measures applicable only in a protection zone

Movement of susceptible animals from premises or to premises within a protection zone

10.—(1) Subject to the provisions of this paragraph, no person shall move any susceptible animal from or to premises within a protection zone.

(2) The prohibition in sub paragraph (1) does not apply to the transport of susceptible animals for emergency slaughter under the authority of a licence granted by an inspector from premises in a protection zone direct to a slaughterhouse—

- (a) in the same protection zone; or
- (b) if there is no slaughterhouse in that protection zone, outside the protection zone.

(3) No inspector shall grant a licence under sub paragraph (2) unless the inspector is satisfied that—

- (a) a veterinary inspector has within the previous 24 hours carried out a clinical examination on every susceptible animal on the premises, and
- (b) there is no suspicion of infection or contamination on the premises.

(4) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub paragraph (2) shall ensure that it is cleansed and disinfected without delay in accordance with article 45.

(5) The prohibition in sub paragraph (1) does not apply to the movement of animals leaving infected premises for slaughter under the authority of a licence granted under paragraph 4(6) of Schedule 2.

(6) The prohibition in sub paragraph (1) does not apply to movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

Movement of non susceptible animals from or to premises keeping susceptible animals in a protection zone

11.—(1) Subject to the provisions of this paragraph, no person shall move any non susceptible animal from or to premises keeping susceptible animals in a protection zone.

(2) The prohibition in sub paragraph (1) does not apply to—

- (a) the movement of pet animals which are not susceptible animals;
- (b) the movement of horses under the terms of a licence granted by an inspector; or
- (c) the movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

(3) Any inspector granting a licence under sub paragraph (2)(b) shall take account of the recommended measures in paragraph 2.2 of Annex VI to the Directive.

Movement of animals into or out of a protection zone

12.—(1) Subject to the provisions of this paragraph, no person shall move any animal into or out of a protection zone.

(2) A person may move an animal into, out of or within a protection zone if the movement is—

- (a) the movement permitted under paragraph 10 or paragraph 11;
- (b) the movement of pet animals which are not susceptible animals;
- (c) the movement of horses under the terms of a licence granted by an inspector;
- (d) transport through the zone without stopping; or
- (e) transport from outside the zone directly to a slaughterhouse in the zone for immediate slaughter there under the terms of a licence granted by an inspector.

(3) Any inspector granting a licence under sub paragraph (2)(c) shall take account of the recommended measures in paragraph 2.2 of Annex VI to the Directive.

- (4) A licence granted under sub paragraph (2)(e) shall—
- (a) certify that the premises on which the movement originates is outside the protection zone, and
 - (b) specify the route to be taken.
- (5) The person in charge of any vehicle used to transport animals under the authority of a licence granted under sub paragraph (2)(e) shall—
- (a) ensure that it is cleansed and disinfected without delay in accordance with article 45;
 - (b) make a record of the date and time of that cleansing and disinfection;
 - (c) keep the record with the vehicle at all times; and
 - (d) retain the record for six months after the last such cleansing and disinfection.

Movement of vehicles from premises keeping susceptible animals in a protection zone

13. No person shall move any vehicle designed or adapted for the transport of animals from premises keeping susceptible animals within a protection zone except under the authority of a licence granted by an inspector.

Control of animal gatherings in a protection zone

14. No person shall hold an animal gathering in a protection zone.

Control of gatherings of people in a protection zone

15.—(1) No person shall hold or take part in the following activities in a protection zone—

- (a) hunting any drag or other trail;
- (b) falconry, except under the authority of a licence granted by the Scottish Ministers;
- (c) point-to-point meetings;
- (d) stalking;
- (e) shooting game or other wildlife or deer, except that—
 - (i) the occupier of any land, members of the occupier’s household, persons employed by the occupier as beaters and any member of a shooting party of not more than three persons authorised by the occupier, may shoot game, other wildlife or deer found on that land;
 - (ii) a person may shoot birds under the authority of a licence granted by the Scottish Ministers; and
 - (iii) a person may cull deer under the authority of a licence granted by the Scottish Ministers.

(2) Where holding any recreational or sporting activity may, in the opinion of the Scottish Ministers, spread disease, they may prohibit it by serving notice on the person responsible for the activity.

Breeding in a protection zone

16.—(1) No person shall carry out breeding of susceptible animals by means of itinerant service in a protection zone.

(2) No person shall carry out artificial insemination of animals or collect any embryo or ovum in a protection zone except in compliance with sub paragraph (3) or sub paragraph (4).

(3) Artificial insemination of a susceptible animal complies with this sub paragraph if it satisfies the following requirements—

- (a) it is carried out by the occupier of the premises where the animal is kept (or any employee of such occupier);
- (b) the semen used has not left the premises since the protection zone was declared, or was delivered to the occupier or the occupier's employee at a place outside the premises from a semen collection centre;
- (c) it is carried out using equipment which has been on the premises since the protection zone has been declared.

(4) Artificial insemination of a non-susceptible animal or the collection of embryos, or ova from such animal complies with this sub paragraph if—

- (a) it is carried out by the occupier of the premises where the animal is kept (or any employee of such occupier); and
- (b) either no susceptible animals are kept on the premises or (in the case of artificial insemination only) it has been authorised by a licence granted by the Scottish Ministers.

Slaughter for private consumption within a protection zone

17. No person shall slaughter on any premises within a protection zone any susceptible animal for private consumption on those premises.

Transport of fodder within a protection zone

18. No person shall transport fodder to any premises within the protection zone keeping susceptible animals except under the authority of a licence granted by an inspector.

Sale of fodder originating in a protection zone

19. No person shall sell or consign for sale fodder originating in a protection zone unless it satisfies one of the following requirements—

- (a) it was—
 - (i) produced more than 21 days before the earliest infection date within the protection zone; and
 - (ii) at all times stored and transported separately from other fodder and in such a way as to avoid contamination;
- (b) it is authorised for sale within the protection zone to the final user by a licence granted by an inspector;
- (c) it was produced on premises not keeping susceptible animals using raw materials also produced on such premises or raw materials produced outside the protection zone;
- (d) it is forage or straw falling within paragraph 10 of Schedule 5.

Transport, treatment and spreading of dung and manure produced in a protection zone

20.—(1) This paragraph applies to dung or manure—

- (a) from premises within a protection zone keeping susceptible animals, or
- (b) collected from vehicles carrying susceptible animals from or within a protection zone.

(2) No person shall transport dung or manure to which this paragraph applies unless such transport or spreading complies with sub paragraph (3) or sub paragraph (5), and with sub paragraph (6).

(3) Transport of dung or manure complies with this sub paragraph where it is to a plant for treatment to destroy the disease virus and is authorised by a licence granted by an inspector.

(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub paragraph (3) shall ensure that it is treated in accordance with point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002, as amended⁽²⁴⁾.

(5) Transport of dung or manure for spreading complies with this sub paragraph if it satisfies the following requirements–

- (a) the dung or manure is for spreading at premises not keeping susceptible animals;
- (b) the dung or manure was produced more than 21 days before the earliest infection date in the protection zone;
- (c) where the dung or manure is from bovine animals or pigs–
 - (i) all animals on the premises where it was produced have been clinically examined by a veterinary inspector who is satisfied by such examination that they are free of infection; and
 - (ii) the dung or manure was produced at least 4 days before such examination;

(6) Transport of dung or manure complies with this sub paragraph if it is carried out in vehicles which are–

- (a) constructed and maintained so that there is no leakage of the load during transport; and
- (b) cleansed and disinfected after loading and before leaving the premises of origin.

(7) After transporting dung or manure under this paragraph, the person in charge of the vehicle shall ensure it is cleansed and disinfected after unloading or spreading and before leaving the premises of destination.

(8) The person in charge of a vehicle to be cleansed and disinfected under sub paragraph (6) or (7) shall ensure that such cleansing and disinfection is carried out so that–

- (a) the exterior (including the wheels and wheel arches) is not visibly contaminated with mud, dung, manure or similar matter on leaving either premises;
- (b) the interior (excluding any driver or passenger compartment) is not so contaminated on leaving the premises of destination; and
- (c) any additional requirements as an inspector directs are complied with.

(9) No person shall spread dung or manure to which this paragraph applies unless such spreading is authorised by a licence granted by an inspector and the dung or manure –

- (a) is spread from not more than 1 metre above the ground;
- (b) if spread as a liquid is not discharged by equipment producing a jet or spray unless the discharge point is directed downwards at an angle of not less than 45° from the horizontal; and
- (c) once spread is immediately incorporated into the ground;

(10) Any licence granted under sub paragraph (9) shall contain at least the following terms–

- (a) designation of the fields on which dung or manure from bovine animals or pigs may be spread; and
- (b) designation of a distance from premises keeping susceptible animals within which dung or manure must not be spread.

⁽²⁴⁾ 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).

Fresh meat etc. derived from susceptible animals originating in a protection zone

21.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals originating in a protection zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a protection zone unless—

- (a) it was produced more than 21 days before the earliest infection date within the protection zone;
- (b) after production, it was at all times stored and transported separately from products to which this paragraph applies produced on or after that date; and
- (c) it was health marked or identification marked and that mark was overstamped.

Fresh meat etc. produced on premises in a protection zone

22.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals and produced on premises in a protection zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a protection zone unless it has been produced in an establishment which—

- (a) is authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to ensure strict veterinary control of the establishment;
- (b) processes only meat falling within sub paragraph (3); and
- (c) at all times during the production process stores, identifies and transports products intended to be eligible for despatch outside the protection zone separately from those which are not, and in accordance with the directions of the Scottish Ministers.

(3) Meat falls within this sub paragraph if—

- (a) it was either—
 - (i) produced in the protection zone more than 21 days before the earliest infection date there;
 - (ii) produced from animals reared and slaughtered outside a protection zone; or produced from animals transported to the establishment under the authority of a licence granted under paragraph 12(2)(e), and slaughtered there; and
- (b) it is health marked or identification marked.

Meat products produced from meat derived from susceptible animals originating in a protection zone

23.—(1) This paragraph applies to meat products produced from meat derived from susceptible animals originating in a protection zone.

(2) No person shall sell or consign for sale any meat product to which this paragraph applies unless—

- (a) it was produced from fresh meat, minced meat or meat preparations or mechanically separated meat which may be sold or consigned for sale because it complies with paragraph 21(2); or
- (b) it was produced from fresh meat, minced meat or meat preparations or mechanically separated meat which was—
 - (i) health marked or identification marked and that mark was overstamped;

- (ii) transported in sealed containers to an establishment designated by the Scottish Ministers as authorised to treat meat from a protection zone; and
- (iii) treated at that establishment so that it falls within paragraph 1 of Schedule 5.

Milk and milk products produced from susceptible animals originating in a protection zone or on premises in a protection zone

24.—(1) No person shall sell or consign for sale the milk of a susceptible animal originating in a protection zone or any milk product produced from such milk unless it complies with sub paragraph (2) or sub paragraph (3).

- (2) Milk and milk products comply with this sub paragraph if—
 - (a) they were produced more than 21 days before the earliest infection date within the protection zone; and
 - (b) they have at all times been stored and transported separately from milk and milk products produced on or after that date.
- (3) Milk and milk products comply with this sub paragraph if—
 - (a) they have been treated so as to fall within paragraph 13 or paragraph 14 of Schedule 5; and
 - (b) that treatment was carried out either—
 - (i) in the protection zone on premises complying with sub paragraph (6); or
 - (ii) if there are no such premises, outside the protection zone on such premises as the Scottish Ministers direct.
- (4) No person shall sell or consign for sale the milk of a susceptible animal produced on premises in the protection zone or any milk product produced from such milk unless—
 - (a) the transport of raw milk from outside a protection zone to those premises complies with sub paragraph (5); and
 - (b) those premises comply with sub paragraph (6).
- (5) Transport of raw milk complies with this sub paragraph if—
 - (a) the vehicle was cleansed and disinfected at the premises of origin and before loading in accordance with the directions of an inspector; and
 - (b) the vehicle did not enter any other premises keeping susceptible animals within a protection zone after that cleansing and disinfection.
- (6) Premises comply with this sub paragraph if they satisfy the following requirements—
 - (a) they are authorised by a licence granted by the Scottish Ministers imposing such conditions as they think necessary to ensure strict veterinary control;
 - (b) they are operated so that all milk transported to the premises—
 - (i) complies with sub paragraph (2) or sub paragraph (3)
 - (ii) it is transported to the premises for treatment so that it complies with sub paragraph (3); or
 - (iii) is raw milk produced outside the protection zone; and
 - (c) they are operated so that milk on the premises and leaving the premises is clearly identified as eligible for sale outside the protection zone to the final consumer and is at all times stored and transported separately from raw milk and raw milk products which are not so eligible.

Collection, transport and processing of milk and milk products produced in a protection zone

25.—(1) No person shall collect and transport milk produced on premises keeping susceptible animals in a protection zone out of that protection zone or process any such milk unless such transport complies with sub paragraph (2) and is carried out in a vehicle which complies with sub paragraph (3).

(2) Transport complies with this sub paragraph if it is—

(a) transport of samples of raw milk—

(i) to a laboratory authorised in respect of disease under article 4 of the Specified Animal Pathogens Order 1998; or

(ii) to another laboratory under the authority of a licence granted by an inspector; or

(b) transport to premises other than a laboratory under the authority of a licence granted by an inspector.

(3) A vehicle complies with this sub paragraph if it—

(a) has been authorised to operate within the part of Scotland in which the journey is to take place by a licence granted by the Scottish Ministers; and

(b) has been marked so as to identify the geographical area in which it is authorised to operate in accordance with the directions of the Scottish Ministers.

(4) A licence granted under sub paragraph (2)(b) shall specify the route to be taken and shall include a condition prohibiting the vehicle from entering any premises in the zone keeping susceptible animals for purposes other than to load milk.

(5) Any person transporting milk under the authority of a licence granted under sub paragraph 2(b) shall ensure that—

(a) the vehicle used is constructed and maintained so that there is no leakage of milk during transport and is equipped to avoid aerosol dispersion during loading and unloading;

(b) before every loading, the vehicle is cleansed and disinfected in accordance with the directions of an inspector; and

(c) after every loading and before leaving the premises, the connection pipes, tyres, wheel cases and lower parts of the vehicle, and any spillage of milk, are cleansed and disinfected in accordance with the directions of an inspector.

(6) No person shall process milk transported to a laboratory under this paragraph except under the authority of a licence granted by an inspector.

PART 3

Measures applicable only in a surveillance zone

Movement of animals from premises within a surveillance zone

26.—(1) Subject to the provisions of this paragraph, no person shall move any susceptible animal from premises within a surveillance zone.

(2) The prohibition in sub paragraph (1) does not apply to the transport of susceptible animals for emergency slaughter under the authority of a licence granted by an inspector from premises in a surveillance zone direct to a slaughterhouse—

(a) in the same surveillance zone; or

- (b) where there is no slaughterhouse in that surveillance zone, outside the surveillance zone and its associated protection zone.
- (3) No inspector shall grant a licence under sub paragraph (2) unless the inspector is satisfied that—
 - (a) a veterinary inspector has within the previous 24 hours carried out a clinical examination on every susceptible animal on the premises; and
 - (b) there is no suspicion of infection or contamination on the premises.
- (4) The prohibition in sub paragraph (1) does not apply to transport of susceptible animals for slaughter under the terms of a licence granted by an inspector –
 - (a) direct to a slaughterhouse outside that surveillance zone and its associated protection zone; or
 - (b) direct to a slaughterhouse in that surveillance zone.
- (5) No inspector shall grant a licence under sub paragraph (4) unless the inspector is satisfied that—
 - (a) the records required by paragraph 1 have been maintained in respect of the premises;
 - (b) a veterinary inspector has within the previous 24 hours inspected every susceptible animal on the premises and has carried out a clinical examination of a representative sample of such susceptible animals; and
 - (c) there is no suspicion of infection or contamination on the premises.
- (6) No inspector shall grant a licence under sub paragraph (4)(a) unless the inspector is satisfied that—
 - (a) there is no slaughterhouse within that surveillance zone with sufficient capacity to slaughter the animals; and
 - (b) the slaughterhouse at which slaughter is to take place is the nearest slaughterhouse outside the surveillance zone and its associated protection zone with such capacity.
- (7) A licence granted under sub paragraph (2) or (4) may permit transport through the associated protection zone and in such a case shall include a condition requiring that the vehicle travels through that protection zone without stopping.
- (8) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under sub paragraph (2) or sub paragraph (4) shall ensure that it is cleansed and disinfected without delay in accordance with article 45.
- (9) The prohibition in sub paragraph (1) does not apply to the leading of susceptible animals to pasture in that surveillance zone under the authority of a licence granted by an inspector.
- (10) No inspector shall grant a licence under sub paragraph (9) unless—
 - (a) the inspector is satisfied that a veterinary inspector has examined all susceptible animals on the premises (including testing of samples) and concluded that there are no animals suspected of being infected or contaminated on the premises,
 - (b) at least 15 days have elapsed since the most recent confirmed case of the disease in the associated protection zone; and
 - (c) the licence contains terms requiring that animals do not come into contact with susceptible animals from other premises.
- (11) The prohibition in sub paragraph (1) does not apply to movement from one part of premises to another part of the same premises using a public highway under the authority of a licence granted by a veterinary inspector or by an inspector at the direction of a veterinary inspector.

Control of animal gatherings and gatherings of people in a surveillance zone

- 27.—(1) No person shall—

- (a) hold an animal gathering which includes susceptible animals in a surveillance zone; or
- (b) hold any gathering of people on premises in a surveillance zone in connection with the sale of any susceptible animal kept there at which more than two people (other than the owner or keeper of the animal and their representatives) are present;

except under the authority of a licence granted by the Scottish Ministers.

(2) Subject to sub paragraph (3) no person shall hold or take part in the following activities in a surveillance zone—

- (a) hunting any drag or other trail;
- (b) stalking; or
- (c) shooting deer,

except under the authority of a licence granted by the Scottish Ministers.

(3) Nothing in sub paragraph (2) shall make it unlawful for the occupier of any land, members of the occupier's household, persons employed by the occupier as beaters and any member of a shooting party of not more than three persons authorised by the occupier to shoot deer found on that land.

Fresh meat etc. derived from susceptible animals originating in a surveillance zone

28.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals originating in a surveillance zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a surveillance zone unless—

- (a) it falls within sub paragraph (3); or
- (b) it is meat (excluding heads, viscera and offal) which complies with sub paragraph (4) or sub paragraph (5) or sub paragraph (6); or
- (c) it falls within sub paragraph (7).

(3) Meat falls within this sub paragraph if it satisfies the following requirements—

- (a) it was produced more than 21 days before the earliest infection date within the associated protection zone;
- (b) after production, it was at all times stored and transported separately from products to which this paragraph applies produced on or after that date; and
- (c) it was health marked or identification marked and that mark was overstamped.

(4) Meat complies with this sub paragraph if it is from ruminants and has been deboned such that it falls within paragraph 11 of Schedule 5 and from a carcase which has been matured such that it falls within paragraph 12 of Schedule 5.

(5) Meat complies with this sub paragraph if—

- (a) the animals from which it was produced were on the same premises for at least 21 days before slaughter and were identified so as to allow the tracing of those premises; and
- (b) the meat has been clearly identified and detained under the supervision of the Scottish Ministers for at least 7 days and until any suspicion of infection on the premises of origin has been ruled out.

(6) Meat complies with this sub paragraph if—

- (a) the animals passed the 21 days before slaughter on the same premises during which no susceptible animal was introduced onto those premises;
- (b) samples taken within 48 hours before loading have been tested with negative result in an assay for the detection of antibodies against the disease virus; and

- (c) the meat has been detained under the control of the Scottish Ministers for 2 hours and released only after a repeat inspection of the animals in the premises of origin has ruled out on clinical inspection the presence of infected animals or animals suspected of being infected.
- (7) Meat falls within this sub paragraph if–
- (a) it is trimmed offal;
 - (b) it was health marked or identification marked and that mark was overstamped; and
 - (c) it was subsequently treated so that it falls within paragraph 1 of Schedule 5.

Fresh meat etc. produced on premises in a surveillance zone

29.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from susceptible animals and produced on premises in a surveillance zone.

(2) No person shall sell or consign for sale meat to which this paragraph applies or move such meat out of a surveillance zone unless it has been produced in an establishment which–

- (a) is authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to ensure strict veterinary control of the establishment;
 - (b) processes only meat which complies with sub paragraph (3); and
 - (c) at all times during the production process stores, identifies and transports products eligible for despatch outside the surveillance zone separately from those which are not and in accordance with the directions of the Scottish Ministers.
- (3) Meat complies with this sub paragraph if–
- (a) it was–
 - (i) produced from animals transported to the slaughterhouse from the surveillance zone and it falls within sub paragraph 28(4) or sub paragraph 28(5) or sub paragraph 28(6);
 - (ii) produced from animals reared and slaughtered outside the surveillance zone and its associated protection zone; or
 - (iii) produced from animals transported to the slaughterhouse from the protection zone under the authority of a licence granted under paragraph 12(2)(e); and
 - (b) it is health marked or identification marked.

Meat products produced from meat derived from susceptible animals originating in a surveillance zone or produced on premises in a surveillance zone

30.—(1) This paragraph applies to meat products–

- (a) produced from meat derived from susceptible animals originating in a surveillance zone; or
- (b) produced on premises in a surveillance zone.

(2) No person shall sell or consign for sale any product to which this paragraph applies or move any such product out of a surveillance zone unless it complies with sub paragraph (3) or sub paragraph (4).

(3) Meat products comply with this sub paragraph if they are produced from fresh meat, minced meat or meat preparations or mechanically separated meat which was–

- (a) health marked or identification marked and that mark was overstamped;
- (b) transported to an establishment designated by the Scottish Ministers as authorised to treat meat from a surveillance zone; and

- (c) treated at that establishment to form a meat product which falls within paragraph 1 of Schedule 5.
- (4) Meat products comply with this sub paragraph if they are produced in an establishment which—
 - (a) is authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to ensure strict veterinary control of the establishment;
 - (b) processes only meat falling within sub paragraph 29(3); and
 - (c) at all times during the production process stores, identifies and transports products eligible for despatch outside the surveillance zone separately from those which are not and in accordance with the directions of the Scottish Ministers.

Milk and milk products produced from susceptible animals originating in a surveillance zone or on premises in a surveillance zone

31.—(1) No person shall sell or consign for sale the milk of a susceptible animal originating in a surveillance zone or any milk product produced from such milk unless it complies with sub paragraph (2) or sub paragraph (3).

- (2) Milk and milk products comply with this sub paragraph if—
 - (a) they were produced more than 21 days before the earliest infection date within the associated protection zone; and
 - (b) they have at all times been stored and transported separately from milk and milk products produced on or after that date.
- (3) Milk and milk products comply with this sub paragraph if—
 - (a) they have been treated so as to fall within paragraph 13 or paragraph 14 of Schedule 5; and
 - (b) that treatment was carried out either
 - (i) in the surveillance zone on premises complying with sub paragraph (6); or
 - (ii) outside any protection zone or surveillance zone on such premises as the Scottish Ministers may direct.
- (4) No person shall sell or consign for sale the milk of a susceptible animal produced on premises in a surveillance zone or any milk product produced from such milk unless—
 - (a) the transport of raw milk from outside the zone and its associated protection zone to those premises complies with sub paragraph (5); and
 - (b) those premises comply with sub paragraph (6).
- (5) Transport of raw milk complies with this sub paragraph if—
 - (a) the vehicle was cleansed and disinfected at the premises of origin and before loading in accordance with the directions of an inspector; and
 - (b) the vehicle did not enter any other premises keeping susceptible animals within a protection or surveillance zone since that cleansing and disinfection.
- (6) Premises comply with this sub paragraph if they satisfy the following requirements—
 - (a) they are authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to ensure strict veterinary control;
 - (b) they are operated so that all milk transported to the premises—
 - (i) complies with sub paragraph (3);
 - (ii) is transported to the premises for treatment so that it complies with sub paragraph (3);
or
 - (iii) was produced outside the surveillance zone and its associated protection zone;

- (c) they are operated so that milk on the premises and leaving the premises is clearly identified as eligible for sale outside the surveillance zone to the final consumer and is at all times stored and transported separately from milk and milk products which are not so eligible.

Collection, transport and processing of raw milk produced in a surveillance zone

32.—(1) No person shall collect and transport raw milk produced on premises keeping susceptible animals in a surveillance zone out of that surveillance zone or process any such milk unless such transport complies with sub paragraph (2) and is carried out in a vehicle which complies with sub paragraph (3).

(2) Transport complies with this sub paragraph if it is—

(a) transport of samples of raw milk—

(i) to a laboratory authorised in respect of disease under article 4 of the Specified Animal Pathogens Order 1998; or

(ii) to another laboratory under the authority of a licence granted by an inspector; or

(b) transport to premises other than a laboratory under the authority of a licence granted by an inspector.

(3) A vehicle complies with this sub paragraph if it—

(a) has been authorised to operate within the part of Scotland in which the journey is to take place by a licence granted by the Scottish Ministers; and

(b) has been marked so as to identify the geographical area in which it is authorised to operate in accordance with the directions of the Scottish Ministers.

(4) A licence granted under sub paragraph (2)(b) shall specify the route to be taken and shall include a condition prohibiting the vehicle from entering any premises in the zone keeping susceptible animals for purposes other than to load milk.

(5) Any person transporting milk under the authority of a licence granted under sub paragraph (2) (b) shall ensure that—

(a) the vehicle used is constructed and maintained so that there is no leakage of milk during transport and is equipped to avoid aerosol dispersion during loading and unloading;

(b) before every loading, the vehicle is cleansed and disinfected in accordance with the directions of an inspector;

(c) after loading and before leaving the premises, the connection pipes, tyres, wheel cases and lower parts of the vehicle, and any spillage of milk, are cleansed and disinfected in accordance with the directions of an inspector; and

(d) the vehicle shall be used only in a defined area and shall be marked accordingly and shall not be moved outwith that area until it has been cleansed and disinfected under official supervision.

(6) No person shall process milk transported under sub paragraph (2) except under the authority of a licence granted by an inspector.

Transport, treatment and spreading of dung and manure produced in a surveillance zone

33.—(1) This paragraph applies to dung or manure—

(a) from premises within a surveillance zone keeping susceptible animals; or

(b) collected from vehicles carrying susceptible animals from or within a surveillance zone.

(2) No person shall transport dung or manure to which this paragraph applies unless such transport complies with sub paragraph (3) or sub paragraph (5) or sub paragraph (7), and with sub paragraph (10).

(3) Transport of dung or manure complies with this sub paragraph where it is to a plant for treatment to destroy the disease virus and is authorised by a licence granted by the Scottish Ministers.

(4) The occupier of any premises to which dung or manure is transported by authority of a licence granted under sub paragraph (3) shall ensure that it is treated in accordance with point 5 of Section II in Part A of Chapter III of Annex VIII to Regulation (EC) No. 1774/2002, as amended.

(5) Transport of dung or manure complies with this sub paragraph if—

- (a) the dung or manure is for spreading;
- (b) the transport it is under the authority of a licence granted by an inspector; and
- (c) before grant of the licence a veterinary inspector has clinically examined all susceptible animals on the premises where it was produced and is satisfied by such examination that they are not suspected of infection.

(6) No person shall spread dung or manure to which this paragraph applies unless such spreading is authorised by a licence granted by an inspector and the dung or manure—

- (a) is spread from not more than 1 metre above the ground;
- (b) if spread as a liquid, is not discharged by equipment producing a jet or spray unless the discharge point is directed downwards at an angle of not less than 45° from horizontal; and
- (c) is immediately incorporated into the ground.

(7) Transport of dung or manure complies with this sub paragraph if—

- (a) the dung or manure is for spreading;
- (b) the transport is under the authority of a licence granted by an inspector; and
- (c) before grant of the licence a veterinary inspector has clinically inspected all susceptible animals on the premises where it was produced and is satisfied that they are not suspected of infection.

(8) No person shall spread dung or manure transported under authority of a licence granted under sub paragraph (7) unless such spreading is authorised by a licence granted by an inspector and the dung or manure is injected into the ground.

(9) Any licence granted under sub paragraph (6) or sub paragraph (8) shall contain at least the following terms—

- (a) designation of the areas within which the dung or manure must be spread;
- (b) designation of a distance from other premises keeping susceptible animals within which dung or manure must not be spread.

(10) Transport of dung or manure complies with this sub paragraph if it is carried out in a vehicle which is—

- (a) constructed and maintained so that there is no leakage of the load during transport; and
- (b) cleansed and disinfected after loading and before leaving the premises of origin.

(11) After transporting dung or manure under this paragraph, the person in charge of the vehicle shall ensure it is cleansed and disinfected after unloading or spreading and before leaving the premises of destination.

(12) The person in charge of a vehicle to be cleansed and disinfected under sub paragraph (10) or (11) shall ensure that such cleansing and disinfection is carried out so that—

- (a) the exterior (including the wheels and wheel arches) is not visibly contaminated with mud, dung, manure or similar matter on leaving either premises;

- (b) the interior (excluding any driver or passenger compartment) is not so contaminated on leaving the premises of destination; and
- (c) any additional requirements as an inspector directs are complied with.

SCHEDULE 5

Article 25(3) and Schedule 4, paragraph 7(2)

Treatment of products to ensure the destruction of disease virus

PART 1

Products of animal origin (other than fresh meat)

Meat products

1. Meat products fall within this paragraph if they have undergone any of the following treatments or are produced from meat which has undergone any of those treatments—

- (a) heat treatment in a hermetically sealed container at a level of at least F₀₃;
- (b) heat treatment at a minimum temperature of 70°C, reached throughout the meat;
- (c) heat treatment in a hermetically sealed container to at least 60°C for a minimum of 4 hours, during which the core temperature must be at least 70°C for 30 minutes;
- (d) natural fermentation and maturation of not less than nine months, resulting in the following characteristics—
 - (i) Aw value of not more than 0.93; or
 - (ii) pH value of not more than 6.0;
- (e) heat treatment ensuring a core temperature of at least 65°C is reached for the time necessary to achieve a pasteurisation value equal to or more than 40.

Hides and skins

2. Hides and skins fall within this paragraph if they comply with the requirements in article 20 of and points A(2)(c) or (d) of Chapter VI of Annex VIII to Regulation (EC) No. 1774/2002, as amended.

Wool, ruminant hair and pig bristles

3. Wool, ruminant hair and pig bristles fall within this paragraph if they comply with the requirements of article 20 of and point A(1) of Chapter VIII to Regulation (EC) No. 1774/2002, as amended.

Products derived from susceptible animals

4. Animal products derived from susceptible animals fall within this paragraph if they have undergone either of the following treatments—

- (a) heat treatment in a hermetically sealed container at a level of at least F₀₃;
- (b) heat treatment in which the centre temperature is raised to at least 70°C for at least 60 minutes.

Blood and blood products

5. Blood and blood products of susceptible animals fall within this paragraph if they are used for technical purposes (including pharmaceuticals, in vitro diagnostics and laboratory reagents) and have undergone any of the treatments referred to in point B(3)(e)(ii) of Chapter IV of Annex VIII to Regulation (EC) No. 1774/2002, as amended.

Lard and rendered fats

6. Lard and rendered fats fall within this paragraph if they have undergone the heat treatment referred to in point B(2)(d)(iv) of Chapter IV of Annex VII to Regulation (EC) No. 1774/2002, as amended.

Petfood and dog chews

7. Petfood and dog chews fall within this paragraph if they comply with the requirements of points B(2), (3) or (4) of Chapter II of Annex VIII to Regulation (EC) No. 1774/2002, as amended.

Game trophies of ungulates

8. Game trophies of ungulates fall within this paragraph if they comply with the requirements of points A(1), (3) or (4) of Chapter VII of Annex VIII to Regulation (EC) No. 1774/2002, as amended.

Animal casings

9. Animal casings fall within this paragraph if they have been cleaned, scraped and either salted with sodium chloride for 30 days or bleached or dried after scraping and were protected from recontamination after treatment.

PART 2

Products not of animal origin

Straw and forage

10. Straw and forage falls within this paragraph if it has either–
- (a) undergone the action of–
 - (i) steam in a closed chamber for at least 10 minutes and at a minimum temperature of 80°C; or
 - (ii) formalin fumes (formaldehyde gas) produced in a chamber kept closed for at least 8 hours and at a minimum temperature of 19°C, at 35 40% concentration; or
 - (b) been stored in packages or bales under shelter at premises situated not closer than 2km to the nearest infected premises and is not released from the premises before at least three months have elapsed following the completion of cleansing and disinfection (and in any case not before the declaration creating that protection zone has been amended in accordance with article 36 so that the protection zone becomes part of a surveillance zone).

PART 3

Fresh meat

De-boning

11. Meat (together with diaphragms but excluding offal) is deboned so that it falls within this paragraph if the bone and main accessible lymphatic glands have been removed.

Maturation

12. Carcasses are matured so that they fall within this paragraph if they—

- (a) have been matured at a temperature of more than 2°C for at least 24 hours; and
- (b) have a pH value in the middle of the Longissimus dorsi recorded at less than 6.0.

PART 4

Milk and milk products

Milk and milk products for human consumption

13.—(1) Milk and milk products for human consumption fall within this paragraph if they have undergone one of the following treatments—

- (a) sterilisation at a level of at least F₀3;
- (b) Ultra High Temperature treatment at 132°C for at least one second;
- (c) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test (with any pasteurisation under this paragraph applied twice to milk with a pH of 7.0 or above);
- (d) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test and either—
 - (i) lowering the pH below 6.0 for at least one hour; or
 - (ii) heating to 72°C or more combined with desiccation.

(2) Milk products fall within this paragraph if they are produced from milk which has undergone one of the treatments in sub paragraph (1).

Milk and milk products not intended for human consumption

14.—(1) Milk and milk products not intended for human consumption (including whey intended for susceptible animals) fall within this paragraph if they have undergone one of the following treatments—

- (a) sterilisation at a level of at least F₀3;
- (b) Ultra-High Temperature treatment at 132°C for at least one second and either—
 - (i) lowering the pH below 6.0 for at least one hour; or
 - (ii) heating to 72°C or more combined with desiccation;

- (c) High Temperature Short Time pasteurisation, applied twice, at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test;
 - (d) High Temperature Short Time pasteurisation at 72°C for at least 15 seconds or any other pasteurisation treatment which achieves a negative reaction to a phosphatase test and either–
 - (i) lowering the pH below 6.0 for at least one hour; or
 - (ii) heating to 72°C or more combined with desiccation.
- (2) Milk products not for human consumption (other than whey intended for susceptible animals) fall within this paragraph if they are produced from milk which has been subjected to one of the treatments in sub paragraph (1).
- (3) Whey intended for susceptible animals falls within this paragraph if it is–
- (a) collected at least 16 hours after milk clotting, and
 - (b) (if intended for feeding to pigs) has a recorded pH of less than 6.0 before leaving the establishment in which the milk has been treated.

SCHEDULE 6

Article 38(1)

Measures applicable to a restricted zone

Movement of susceptible animals in a restricted zone

- 1.—(1) Subject to sub paragraph (3), no person shall move any susceptible animal–
- (a) from premises within a restricted zone; or
 - (b) into or out of a restricted zone;
- except under the authority of a licence granted by an inspector.
- (2) The person in charge of any vehicle used to move susceptible animals under such a licence shall ensure that it is cleansed and disinfected without delay in accordance with article 45.
- (3) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or vaccination zone.

Slaughter of susceptible animals in a restricted zone

2. Where a susceptible animal is moved to a slaughterhouse within a restricted zone, the occupier of the slaughterhouse shall ensure that it is slaughtered in accordance with any directions given by an inspector and in any case within 24 hours of arrival.

Control of products from slaughterhouses in a restricted zone

- 3.—(1) No person shall move any carcase or animal product (unless intended for human consumption) or any manure, slurry or used litter from a slaughterhouse in a restricted zone except–
- (a) for disposal; or
 - (b) under the authority of a licence granted by an inspector (which shall include a condition prohibiting any intermediate movement to any premises keeping susceptible animals).
- (2) Any person transporting any thing under the authority of a licence granted under sub paragraph (1)(b) shall–

- (a) do so in a drip-proof container or vehicle, and
 - (b) cleanse and disinfect the vehicle, as soon as possible after unloading and in any event before re-use, in accordance with the directions of an inspector.
- (3) The occupier of premises to which any carcase or animal product is moved under this paragraph shall ensure that it is not brought into contact with, or fed to, any susceptible animal.

Control of carcasses in a restricted zone

4.—(1) No person shall move any carcase of a susceptible animal (other than the carcase of an animal slaughtered for human consumption or the carcase of an animal suspected of having contracted BSE or scrapie destined for disposal) from premises in a restricted zone other than a slaughterhouse except under the authority of a licence granted by an inspector.

(2) The carcase of a deer which has been culled shall not be considered to have been slaughtered for human consumption.

Straying of susceptible animals in a restricted zone

5.—(1) The keeper of a susceptible animal in a restricted 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 restricted zone and if, having made reasonable inquiries, the owner cannot be ascertained, the inspector may arrange for its destruction.

Control of animal gatherings and gatherings of people in a restricted zone

6.—(1) Subject to sub paragraph (4), no person shall—

- (a) hold any animal gathering which includes susceptible animals in a restricted zone;
- (b) collect or distribute susceptible animals in a restricted zone for such an event; or
- (c) hold any gathering of people on premises in a restricted zone in connection with the sale of any susceptible animal kept there at which more than two people (other than the owner or keeper of the animal and that person's representatives) are present,

except under the authority of a licence granted by the Scottish Ministers.

(2) Subject to sub paragraphs (3) and (4), no person shall hold or take part in the following activities in a restricted zone—

- (a) hunting any drag or other trail;
- (b) stalking; or
- (c) shooting deer,

except under the authority of a licence granted by the Scottish Ministers.

(3) Nothing in sub paragraph (2) shall make it unlawful for the occupier of any land, members of the occupier's household, persons employed by the occupier as beaters and any member of a shooting party of not more than three persons authorised by the occupier to shoot deer found on that land.

(4) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

Shearing or dipping of sheep in a restricted zone

7.—(1) Subject to the provisions of this article, no person shall—

- (a) shear or dip sheep; or

(b) handle fleeces or sheep during shearing or dipping

in a restricted zone except under the authority of a licence granted by an inspector.

(2) The prohibition in sub paragraph (1) shall not apply to the occupier of any premises or the occupier's employees (other than any person employed by the occupier primarily for the purpose of shearing or dipping sheep) in respect of the shearing or dipping of sheep kept on those premises.

(3) For the purposes of this paragraph—

(a) “shearing” includes clipping and dagging; and

(b) “dipping” includes showering and jetting sheep with sheep dip.

(4) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

Ultrasound scanning of susceptible animals in a restricted zone

8.—(1) Subject to the provisions of this paragraph, no person shall carry out ultrasound scanning, clipping, foot paring, freeze branding or other livestock service of susceptible animals in a protection zone or a surveillance zone except where authorised by a licence granted by an inspector.

(2) The prohibition in sub paragraph (1) shall not apply to the occupier of any premises or the occupier's employees (other than any person employed by the occupier primarily for the purpose of carrying out the livestock service in question) in respect of the carrying out of ultrasound scanning clipping, foot paring, freeze branding or other livestock service of susceptible animals kept on those premises using equipment of which the occupier is the owner or person in charge.

(3) This paragraph does not apply in any part of a restricted zone which is also part of a protection zone or surveillance zone.

Cleansing and disinfection of slaughterhouses in a restricted zone

9. The occupier of any collecting centre or slaughterhouse in a restricted zone shall cleanse and disinfect the premises in accordance with the directions of an inspector as soon as is practicable after it has been emptied of animals and in any event before any susceptible animal, fodder, used litter or thing liable to spread disease is moved there again.

SCHEDULE 7

Article 40(1)

Measures applicable in a wild animal infected zone

Notification of dead wild susceptible animals in a wild animal infected zone

1. Any person who kills a wild susceptible animal or finds such an animal dead in a wild animal infected zone shall notify the Divisional Veterinary Manager of that fact.

Record keeping in a wild animal infected area

2. The occupier of any premises in a wild animal infected area keeping susceptible animals shall create and maintain a record of the number of each species of susceptible animal kept on the premises and shall maintain that record by updating it every time that number changes.

Isolation of susceptible animals in a wild animal infected zone

3. The occupier of any premises in a wild animal infected zone keeping susceptible animals shall ensure that—

- (a) susceptible animals are kept in their living quarters or otherwise isolated so far as reasonably practicable from contact with wild animals; and
- (b) fodder, used litter and any other material which may come into contact with susceptible animals is isolated as far as is reasonably practicable from contact with wild animals.

Movement of susceptible animals in a wild animal infected zone

4. No person shall move any susceptible animal on or off premises in a wild animal infected zone except under the authority of a licence granted by the Scottish Ministers.

Cleansing and disinfection in a wild animal infected zone

5.—(1) The occupier of any premises in a wild animal infected zone shall ensure that means of disinfection are provided and used at all entrances to buildings where susceptible animals are kept in accordance with the directions of an inspector.

(2) Any person coming into contact with a wild susceptible animal shall cleanse and disinfect themselves and launder their clothing so far as reasonably practicable after such contact.

Carcases and things which may be contaminated in a wild animal infected zone

6. No person shall bring the following on to premises keeping susceptible animals in a wild animal infected zone—

- (a) any carcase of a wild animal;
- (b) any material, equipment or other thing which may be contaminated.

Movement of semen, ova and embryos out of a wild animal infected zone

7. No person shall move any semen, embryo or ovum of a susceptible animal out of a wild animal infected zone for the purpose of trade with another member State, Norway, Iceland or Liechtenstein.

SCHEDULE 8

Article 41

Horses

Movement of horses

1. Where a case of the disease has been confirmed in Scotland in accordance with article 11(11), or in any other part of the United Kingdom in accordance with the relevant provisions applying in that other part, no person shall dispatch any horse from Scotland to any other Member State unless accompanied by an animal health certificate as provided for in Annex C of Directive [90/426/EEC](#) and an identification document as provided for in Decisions [93/623/EEC](#) or [2000/68/EC](#).

2. Where a supplementary movement control zone has been declared under article 18(1), no person shall move any horse from suspect, contact or infected premises except under the authority of a licence granted by the Scottish Ministers.

3. Where a protection zone or surveillance zone has been declared under article 30 or 31, no person shall move any horse from any premises except under the authority of a licence granted by the Scottish Ministers.

4. A licence may only be granted under paragraphs 2 and 3 if, having regard to the terms of the licence, the grant of the licence is in accordance with the requirements of Annex VI of the Directive.

SCHEDULE 9

Article 29(2)

Restocking of premises

General principles

1. Restocking shall not commence until 21 days after final disinfection of the premises in accordance with Schedule 1.

2. Paragraphs 3 to 7 apply subject to paragraphs 8 and 9.

3. Animals for restocking may only be introduced under the following conditions—

(a) the animals shall not come from a temporary control zone, protection zone, surveillance zone or vaccination zone;

(b) the Scottish Ministers must have confirmed by notice served on the occupier that they are satisfied that no residual disease virus can be detected in the animals on the basis of clinical signs (for bovine animals or swine) or laboratory investigations (for other species);

(c) the animals shall either—

(i) originate in and come from premises where there has been no confirmed case of the disease within 10km for at least 30 days; or

(ii) have been tested with negative results in an assay for the detection of antibodies against the disease virus carried out on samples taken prior to restocking.

4. During restocking, animals shall be introduced into all units and buildings of the premises.

5. No susceptible animal shall leave the premises until all introduced animals have undergone the examination and test in paragraph 7 with negative results.

6.—(1) Subject to sub paragraph (2), each animal shall—

(a) be subject to clinical inspection every 3 days for the first 14 days following its introduction; and

(b) during the period from 15 to 28 days after its introduction, be subject to clinical inspection once per week.

(2) If no infected premises have been declared within 10km of any premises for at least 3 months before the commencement of restocking, the Scottish Ministers may, by notice served on the occupier of those premises, except those premises from the requirements of sub paragraph (1).

7. Not earlier than 28 days after the last introduction, each animal shall be clinically examined and samples tested for the presence of antibodies against the disease virus.

Restocking of premises in a vaccination zone

8. Instead of restocking in accordance with paragraphs 3 to 7, premises in a vaccination zone may be restocked if the following conditions are satisfied—

- (a) a veterinary inspector has, within the 24 hours prior to introduction, carried out a clinical examination on every susceptible animal on every premises of origin of an animal to be introduced without having identified signs of the disease;
- (b) no animal to be introduced shall have come from a protection zone or surveillance zone; and
- (c) every animal to be introduced has been tested for antibodies against the disease by a veterinary inspector after the end of its incubation period with negative results or a serological survey has been completed by a veterinary inspector on the animals to be introduced with negative results.

Restocking of premises outside a vaccination zone with vaccinated animals: surveillance

9. Where any vaccinated animal is to be introduced to premises outside a vaccination zone—
- (a) it shall not be subject to paragraphs 3 to 7; and
 - (b) if the proportion of vaccinated animals in the animals to be introduced is 75% or greater, then not earlier than 28 days after the last introduction of susceptible animals, the Scottish Ministers shall ensure that the vaccinated animals are randomly tested for the detection of antibodies against non-structural proteins.

Movement of susceptible animals during restocking

10. During restocking, no person shall move a susceptible animal from the premises.

Completion of restocking

11. The Scottish Ministers shall declare the completion of restocking by notice served on the occupier if—
- (a) every introduced unvaccinated animal on the premises has undergone the examination and test in paragraph 7 with negative results and, where paragraph 9(b) applies, the tests in that sub paragraph have been carried out with negative results; or
 - (b) the conditions in paragraph 8 are satisfied.

SCHEDULE 10

Article 61

Orders Revoked

<i>Orders revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Foot-and-Mouth Disease Order 1983	S.I.1983/1950	The Order insofar as it applies to Scotland.
The Foot-and-Mouth Disease Order (Amendment) (No. 2) Order 1993	S.I. 1993/3119	The Order insofar as it applies to Scotland.
The Foot-and-Mouth Disease (Amendment) (Scotland) Order 2001	S.S.I. 2001/52	The whole Order

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<i>Orders revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Foot-and-Mouth Disease (Amendment) (No. 2) (Scotland) Order 2001	S.S.I. 2001/55	The whole Order
The Foot-and-Mouth Disease (Amendment) (No.3) (Scotland) Order 2001	S.S.I. 2001/101	The whole Order
The Abolition of Intervention Board for Agricultural Produce (Consequential Provisions) (Scotland) Regulations 2001	S.S.I 2001/390	Regulation 3(1)
The Disease Control (Interim Measures) (Scotland) Order 2002	S.S.I. 2002/34	Article 12

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, read with the Animal Health Act 1981 (c. 22, amended by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I. 1992/3293), (“the Act”), partially transposes for Scotland 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 (O.J. No. L 306, 22.11.2003, p.1). The other measure transposing the Directive in Scotland is the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006 (S.I.) (“the Regulations”).

The Order transposes the Directive except insofar as it deals with additional slaughter powers and vaccination against foot-and-mouth disease (“the disease”).

It revokes the Foot-and-Mouth Disease Order 1983 (S.I. 1983/1950) insofar as it applies in Scotland. It also revokes the amendments to that Order. Schedule 10 lists these instruments.

Part 1 of the Order contains introductory and interpretation provisions.

Part 2 makes provision for notification, suspicion and investigation of the disease.

Articles 8 and 9 provide for notification of the disease or suspicion of it. Schedule 2 contains the restrictions which apply in relation to premises under suspicion.

Article 10 relates to animals in transit which are known or suspected of infection or contamination with the disease.

Article 11 provides for veterinary investigation into the disease. Consequent on that investigation, article 12 allows parts of premises to be declared as separate production units, which has the effect of excusing those parts from some of the restrictions in Schedule 2. Also consequent on the investigation, article 13 requires the Scottish Ministers to trace the possible spread of disease and to impose the restrictions in Schedule 2 on further premises. The restrictions in Schedule 2 are maintained in relation to premises where infection with the disease is found (article 14).

Articles 15 and 16 provide for the declaration of a temporary control zone on suspicion of the disease and for the measures applying within that zone. Article 17 provides for the control of stray animals in a temporary control zone. Articles 18 and 19 provide for the declaration of a further zone supplementary to a temporary control zone (a supplementary movement control zone) and the measures applying there.

Part 3 sets out the measures applying following confirmation of the disease.

Article 20 requires the Scottish Ministers to trace items from infected premises which may spread disease and provides for their treatment or disposal. The Regulations 9as read with the Act) impose a duty on the Scottish Ministers to slaughter animals on infected premises, with exceptions, and confers power to slaughter other animals to prevent the spread of the disease (regulations 8 and 9). Articles 21 to 29 provide for the circumstances relating to such slaughter, including the place of slaughter (article 23), movement and disposal of carcasses and faecal material (respectively articles 24 and 25), isolation of things which may spread the disease until they have been certified as free of contamination, treated or disposed of (article 26), cleansing and disinfection of the premises (articles 27 and 28 and Schedule 1) and restocking of the premises (article 29 and Schedule 9).

Articles 30 to 32 provide for the declaration of protection and surveillance zones around infected premises. Article 33 and Schedule 4 set out the measures which apply in those zones. Article 34 requires the Scottish Ministers to investigate every premises keeping susceptible animals in such a zone. Article 35 confers power on an inspector appointed under the Act to prohibit access to land or buildings in a protection zone. Article 36 sets out the circumstances in which protection and surveillance zones may be terminated.

Article 37 provides for the declaration of a restricted zone on confirmation of the disease; article 38 and Schedule 6 provide for the measures applying there.

Article 40 provides for the declaration of a wild animal infected zone on confirmation of the disease in a wild animal; article 40 and Schedule 7 provide for the measures applying there.

Part 4 makes provision as regards horses.

Part 5 makes general and supplementary provision.

Article 42 applies after specified movements and requires licences to be produced before animals are unloaded and that those licences are forwarded to the local authority.

Article 43 requires the Scottish Ministers to take steps to prevent spread of the disease to premises keeping animals of special value (such as rare breeds).

Article 44 requires the local authority to erect signs indicating the perimeters of zones declared under the Order.

Article 45 sets out the method to be used when cleansing and disinfecting vehicles transporting susceptible animals. Article 46 requires occupiers to provide facilities, equipment and materials where cleansing and disinfection of vehicles is required on their premises.

Article 47 makes provision to maintain marks applied under the Order.

Article 48 provides for the feeding and tending of animals or poultry which cannot be moved on termination of a right of occupation because of a restriction imposed by the Order.

Articles 49 to 53 and 55 to 58 make provision related to offences and enforcement. Article 54 confers general powers on veterinary inspectors to take action to prevent spread of the disease.

Articles 59 and 60 make consequential amendment to other statutory instruments.

Article 61 revokes the statutory instruments in Schedule 10 insofar as they apply in Scotland.

Failure to comply with this Order is an offence under section 73 of the Act.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been prepared and placed in the Scottish Parliament Information Centre, together with a Transposition Note setting out how the main elements of Directive [2003/85/EC](#) are transposed

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in this Order. Copies may be obtained from the Scottish Executive Environment and Rural Affairs Department, Pentland House, Robb's Loan, Edinburgh, EH14 1TW.