

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2006 No. 44**

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

**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(1).

**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—

---

(1) S.I.1998/463.

- (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(2) 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.

(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.