

SCHEDULE 4

Measures applicable in protection zones and surveillance zones

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⁽¹⁾.

(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 –

(1) 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) 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.

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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
