

SCHEDULE 4

Measures applicable in protection zones and surveillance zones

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.

Status: This is the original version (as it was originally made).

(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 over stamped.
- (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 over stamped; 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) 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.