
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 45

The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006 and come into force on 23rd February 2006.

(2) The Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Animal Health Act 1981(1);

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

“border inspection post” means 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;

“carcase” means the carcase of an animal and includes part of a carcase, and the meat, bones, hide, skin, hooves, offal or other part of an animal, separately or otherwise, or any portion thereof;

“Chief Veterinary Officer (Scotland)” means the chief veterinary officer of the State Veterinary Service in Scotland;

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

“the Directive” means Council Directive 2003/85/EC(3) 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;

“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

(1) 1981 c. 22, amended by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I.1992/3293).

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

(3) O.J. No. L 306, 22.11.2003, p1.

(4) O.J. No. L 273, 10.10.2002, p1 as amended by Commission Regulation (EC) No. 808/2003 (O.J. No. L 117, 13.5.2003, p1).

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 vaccination” means emergency vaccination in accordance with a decision under Article 50 of the Directive;

“fresh meat” means meat 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;

“hyper-immune serum” means material containing anti-bodies 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 premises” means infected premises declared under article 11(11) of the Order;

“inspector” means an inspector appointed under the Act;

“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;

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

“local authority” has the meaning assigned to that term by section 50(1) of the Act;

“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;

“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, whey, yoghurt 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;

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

(6) O.J. No. L139, 30.4.2004, p206. The revised text of the Regulation is contained in a corrigendum (O.J. No. L226, 25.6.2004, p83).

(7) O.J. No. L139, 30.4.2004, p55. The revised text of the Regulation is contained in a corrigendum (O.J. No. L226, 25.6.2004, p22).

- “occupier” means, in relation to any premises, the person in charge of those premises;
- “the Order” means the Foot-and-Mouth Disease (Scotland) Order 2006⁽⁸⁾;
- “overstamped” means, in relation to the health marked or identification marked item, bearing an additional diagonal cross consisting of two straight lines intersecting at the centre of the health or identification mark and allowing the information there to remain legible (irrespective of whether that additional cross is applied by the same stamp as the mark);
- “phase 1” means, in respect of a vaccination zone, the period of time commencing with declaration of that vaccination zone and ending with a declaration under regulation 18(3);
- “phase 2” means, in respect of a vaccination zone, the period of time commencing with the end of phase 1 and ending with a declaration under regulation 18(4);
- “phase 3” means, in respect of a vaccination zone, the period of time commencing with the end of phase 2 and ending with a declaration under regulation 18(6);
- “premises” includes any land, building or other place;
- “protection zone” means a protection zone declared under article 30 or 31 of the Order;
- “protective vaccination” means vaccination carried out on premises in a vaccination zone to protect susceptible animals within that zone against airborne spread or spread through fomites of the disease virus, where the vaccinated animals are not intended to be slaughtered to prevent the spread of disease;
- “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;
- “reactor premises” means premises declared to be reactor premises under regulation 28(1)(b)(ii);
- “restricted zone” means a restricted zone declared under article 37 of the Order;
- “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⁾;
- “supplementary movement control zone” means a supplementary movement control zone declared under article 18 of the Order;

⁽⁸⁾ S.S.I. 2006/44.

⁽⁹⁾ O.J. No. L165, 30.4.2004, p1. The revised text of the Regulation is contained in a corrigendum (O.J. No. L191, 28.5.2004, p1).

⁽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.

“suppressive vaccination” means vaccination carried out in premises or in an area where there is an urgent need to prevent the spread of disease outside the premises or area by reducing the quantity of circulating disease virus there, and where the vaccinated animals are intended for slaughter to prevent the spread of disease;

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

“susceptible animal” means a cow, bull, sheep, goat, deer, camel, llama, alpaca, guanaco, vicuna and 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;

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

“vaccinate” means treat a susceptible animal with vaccine or hyper-immune serum against the disease swiftly and in accordance with the rules of hygiene and bio security so as to avoid the spread of disease virus and “vaccinated” and “vaccination” shall be construed accordingly;

“vaccination surveillance zone” means a vaccination surveillance zone declared under regulation 15 or 16;

“vaccination zone” means a vaccination zone declared under regulation 15 or 16;

“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;

“veterinary inspector” means a veterinary inspector appointed under the Act; and

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

(2) In these Regulations “specified for vaccination” means specified as an animal to be vaccinated in a decision to undertake a vaccination programme made in accordance with regulation 12(2).

(3) References in these Regulations to “animals originating in” in respect of a vaccination zone mean—

- (a) animals kept in the vaccination zone after declaration of the zone; and
- (b) animals which were kept within the boundaries of the vaccination zone at any time during the period—
 - (i) beginning 21 days before the declaration of the vaccination zone; and
 - (ii) ending with that declaration,
 and the expression “susceptible animals originating in” shall be construed accordingly.

Premises comprising common or unenclosed land

3. For the purposes of these Regulations—

- (a) common or unenclosed land forms separate premises from other land unless—
 - (i) the parcels of land adjoin; and
 - (ii) all animals kept on each parcel 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); and
- (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 and declarations

4.—(1) Licences granted under these Regulations—

- (a) shall be in writing;
- (b) may, in addition to any conditions required by these Regulations, 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) Declarations under these Regulations shall be in writing and may be amended or revoked by further declaration at any time.

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

Notices

5.—(1) Notices issued under these Regulations—

- (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

6. The Scottish Ministers shall take such steps as they consider fit to ensure that licences, declarations and notices are brought to the attention of those who may be affected by them as soon as is reasonably practicable, and in particular, shall ensure that the extent of any zone declared under these Regulations, the nature of the restrictions and requirements applicable within it, the date of its declaration and the date that declaration ceases to have effect in respect of the zone or any part of it, are publicised.

Disinfection

7. Disinfection under these Regulations shall be carried out with a disinfectant which is—

- (a) approved for use for the purpose of these Regulations and the Order by the Diseases of Animals (Approved Disinfectants) Order 1978(13);
- (b) used at the concentration specified in the 1978 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.