
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 45

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

PART 4

General and supplementary provisions

Cleansing and disinfection of vehicles: provision of facilities, equipment and materials

32. Where cleansing and disinfection of vehicles is required at any premises by these Regulations or by virtue of a licence granted or directions given under them, the occupier of those premises shall provide adequate facilities and proper equipment and materials for that cleansing and disinfection.

Marks applied under these Regulations

33. No person shall remove, obscure or erase a mark applied to any animal, carcase, animal product, vehicle or other thing under these Regulations without the written authority of an inspector.

Change of occupation of premises under restriction

34.—(1) This regulation applies if the keeper of any animal or poultry is unable to move it from premises on the termination of that person's right of occupation because of a restriction imposed by or under these Regulations and continues to apply for 7 days after the last such restriction is removed.

(2) Where this regulation 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 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 regulation by any person feeding or tending an animal or poultry under this regulation, or providing facilities for feeding, tending or otherwise using it under this regulation.

Reasonable assistance

35. Any person required to give reasonable assistance or information to a person acting in the execution of these Regulations for the performance of that person's functions under them shall, unless that person has reasonable cause, do so without delay.

False information

36. No person shall furnish information which that person knows to be false or misleading to a person acting in the execution of these Regulations.

Production of records

37.—(1) Any person required to produce a record by a person acting in the execution of these Regulations shall do so without delay.

- (2) On such production, a person acting in the execution of these Regulations may—
- (a) copy any records, in whatever form they may be held; or
 - (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 regulation shall give a written receipt for them.

Compliance with notices and directions

38.—(1) Any notice served under these Regulations 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 these Regulations 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.

Powers of inspectors

39. The following provisions of the Act apply as if these Regulations were an Order made under the Act and as if the definition of animal in section 87 of the Act was extended to comprise every susceptible animal—

- (a) section 63 (general powers of inspectors);
- (b) section 64A(1) (powers of inspectors relating to Community obligations); and
- (c) section 65(1) to (3) (power to detain vessels and aircraft).

Inspection of vehicles

40.—(1) If each of the conditions in subsection (2) is satisfied, an inspector may stop, detain and inspect any vehicle to ascertain whether the provisions of these Regulations or the Order or of any licence, declaration or notice under these Regulations or the Order, are being complied with.

- (2) The conditions are that—
- (a) the vehicle is in—
 - (i) any temporary control zone for the duration of its existence;
 - (ii) any supplementary movement control zone for the duration of its existence;
 - (iii) any protection zone for the duration of its existence;
 - (iv) any surveillance zone for the duration of its existence;
 - (v) any restricted zone for the duration of its existence; or
 - (vi) any wild animal infected zone for the duration of its existence; and
 - (b) the inspector is accompanied by a constable in uniform.

(1) Section 64A was inserted by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I.1992/3293), regulation 2.

Offences and proceedings

41.—(1) The following provisions of the Act shall apply as if these Regulations were an Order made under the Act—

- (a) section 60 (duties and authorities of constables);
- (b) section 66 (refusal and obstruction);
- (c) section 67 (issue of false licences etc.);
- (d) section 68 (issue of licences etc. in blank);
- (e) section 70 (alteration of licences);
- (f) section 71 (other offences as to licences);
- (g) section 73 (general offences);
- (h) section 77 (money recoverable summarily); and
- (i) section 79(1) to (4) (evidence and procedure),

and as if the definition of “animals” in section 87 of the Act was extended to comprise every susceptible animal.

(2) Section 69 of the Act (falsely obtaining licences etc.) shall apply as if licences granted or issued under these Regulations were granted or issued under an Order made under the Act.

(3) Section 75 (penalties for certain summary offences) applies as if these Regulations were an Order made under the Act except that any term of imprisonment on summary conviction shall not exceed three months.

Production of licences

42. Every person issued with a licence under these Regulations shall, while executing the licensed activity, carry the licence and produce it to an inspector on demand.

General powers of veterinary inspectors to take action to prevent the spread of disease

43.—(1) This regulation applies to every vaccination zone or vaccination surveillance zone.

(2) Where this regulation 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 any premises or other place in accordance with Schedule 1 of the Order by serving a notice requiring such action on the occupier of those premises or that place;
- (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 such action;
- (d) any person to cleanse themselves by serving a notice requiring such action;
- (e) the detention or isolation in a specified place of any animal or poultry by serving a notice requiring such action 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 such action on the occupier of the premises where it is present, or on its keeper.

(3) A notice under this regulation may contain such directions and conditions as the person serving it considers necessary to prevent the spread of disease.

Powers of inspectors in case of default

44.—(1) Where a person fails to comply with a requirement imposed by or under these Regulations, an inspector may take any steps the inspector considers necessary to ensure the requirement is met.

(2) Where a person acts in contravention of a requirement imposed by or under these Regulations, an inspector may take any steps 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, detain and dispose of any animal moved, kept or otherwise dealt with in contravention of a restriction or requirement imposed by or under these Regulations.

(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) The person in default shall reimburse any reasonable expenses incurred by the Scottish Ministers or the local authority in taking such steps and any such reimbursement is recoverable.

(6) Any steps taken under this regulation are without prejudice to proceedings for an offence arising out of the default.

Offences by body corporate

45.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is shown 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 such capacity,

that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if that person were a director of the body.

(3) 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

46. A person shall not be guilty of failing to comply with a restriction or requirement which applies because of the declaration of—

- (a) a vaccination zone; or
- (b) a vaccination surveillance 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

47.—(1) Subject to paragraphs (2) and (3), these Regulations shall be enforced by the local authority.

(2) These Regulations 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 these Regulations shall be discharged by the Scottish Ministers and not by the local authority.

Amendments

48. In the Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2005, after paragraph 4 of Schedule 2 insert—

“Additional method of disinfection against foot-and-mouth disease

5.—(1) In addition to the requirements of paragraph 4, if disinfection in accordance with this Schedule is required by the Foot-and-Mouth Disease (Scotland) Order 2006 or the Foot-and-Mouth Disease (Slaughter and Vaccination) Regulations 2006, that disinfection shall be carried out after cleansing has been completed and using a disinfectant approved under the Diseases of Animals (Approved Disinfectants) Order 1978 at the concentration required under that Order for “Foot-and-Mouth Disease Orders”.

(2) Nothing in sub-paragraph (1) shall prevent the use of a single disinfectant approved for both “General Orders” and “Foot-and-Mouth Disease Orders” if it is used at a sufficient concentration to satisfy both requirements.”.

Revocations

49. The following instruments are revoked:—

- (a) the Foot-and-Mouth Disease (Infected Areas) (Vaccination) Order 1972⁽²⁾ (insofar as the Order applies to Scotland); and
- (b) the Foot-and-Mouth Disease (Control of Vaccination) (Scotland) Regulations 2001⁽³⁾.

(2) S.I. 1972/1509.

(3) S.S.I. 2001/261.