

2006 No. 45

ANIMALS

ANIMAL HEALTH

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

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The Scottish Ministers, in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:

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(b);

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

“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(c);

“bovine animal” includes buffalo and bison;

“carcass” means the carcass of an animal and includes part of a carcass, 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(d) 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(e) and the Animal By-Products (Scotland) Regulations 2003(f) 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;

(a) 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred on a Minister of the Crown by section 2(2) were transferred, insofar as within devolved competence, to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

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

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

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

(e) 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).

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

“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^(a) 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^(b) 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;

“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^(c);

“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);

(a) 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).

(b) 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).

(c) S.S.I. 2006/44.

“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^(a), 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^(b) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995^(c);

“slaughter” includes killing within the meaning of that term in the Welfare of Animals (Slaughter or Killing) Regulations 1995^(d);

“supplementary movement control zone” means a supplementary movement control zone declared under article 18 of the Order;

“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;

(a) 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).

(b) 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.

(c) 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.

(d) S.I. 1995/731, to which there are amendments not relevant to these Regulations.

“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(a);
- (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.

PART 2

Powers of Slaughter

Preventive eradication programme

8.—(1) The Scottish Ministers may, where they consider appropriate on the basis of epidemiological information or other evidence, implement a preventive eradication programme of the disease.

(2) As part of such a programme, the Scottish Ministers may cause to be slaughtered—

- (a) in exercise of their powers under Schedule 3, paragraph 3(1) of the Act, all cattle, sheep, goats, other ruminating animals and swine—
 - (i) which are affected or suspected of being affected with the disease; or

(a) S.I. 1978/32, relevant amending instruments are S.I. 2001/608, 2001/641, 2004/2891.

- (ii) which are or have been in the same field, shed, or other place, or in the same herd or flock, or otherwise in contact with animals affected with the disease, or which appear to the Scottish Ministers to have been in any way exposed to the disease;
 - (b) any other susceptible animals likely to be contaminated with the disease virus; and
 - (c) if they consider it necessary with a view to preventing the spread of the disease, susceptible animals from epidemiologically linked production units or adjoining premises.
- (3) Slaughter shall be carried out in such a way as to minimise the dispersal of disease virus.
- (4) Compensation shall be payable for any susceptible animal slaughtered under paragraph (2)(b) or (c) above as if that animal had been slaughtered under the powers conferred by Schedule 3, paragraph 3(1) of the Act.

Slaughter of animals

9.—(1) Subject to regulation 8, where the disease is confirmed on premises, the Scottish Ministers—

- (a) shall cause to be slaughtered—
 - (i) in exercise of their powers under Schedule 3, paragraph 3(1) of the Act, all cattle, sheep, goats, other ruminating animals and swine on the premises—
 - (aa) which are affected with the disease or suspected of being so affected; or
 - (bb) which are or have been in the same field, shed, or other place, or in the same herd or flock as, or otherwise in contact with, animals affected with the disease, or which appear to the Scottish Ministers to have been in any way exposed to the disease; and
 - (ii) all other susceptible animals on the premises; and
- (b) may cause to be slaughtered any non-susceptible animals on the premises other than those which the Scottish Ministers consider are capable of being isolated, effectively cleansed and disinfected, and which are individually identifiable so as to allow the control of their movement.

(2) Slaughter shall be carried out in such a way as to minimise the dispersal of disease virus.

(3) Compensation shall be payable for any animal slaughtered under paragraph (1)(a)(ii) or (1)(b) above as if that animal had been slaughtered under the powers conferred by Schedule 3, paragraph 3(1) of the Act.

Exemption from slaughter for certain susceptible animals

10.—(1) The Scottish Ministers may, after consulting the Chief Veterinary Officer (Scotland), decide not to slaughter susceptible animals kept in—

- (a) a laboratory, zoo, wildlife park or other premises keeping animals principally for the purposes of display or education of the public, or an enclosed area principally used for shooting;
- (b) the premises of a body, institute or centre which—
 - (i) keeps animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research; and
 - (ii) is approved by the Scottish Ministers in relation to those animals in accordance with any provision which gives effect in relation to Scotland to Article 13(2) of Council Directive 92/65/EEC of 13th July 1992 laying down animal health requirements governing trade in certain animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive 1990/425/EEC(a); or

(a) O.J. No. L 268, 14.9.1992, p54.

- (c) other premises keeping susceptible animals for scientific purposes or purposes related to conservation of species or farm animal genetic resources.

(2) The Scottish Ministers shall not make a decision under paragraph (1) unless they are satisfied that—

- (a) basic European Community interests are not endangered (and in particular they shall take into account any threat of the spread of foot-and-mouth disease to other member States); and
- (b) the measures in place to prevent any risk of spreading the disease virus are adequate.

(3) If the premises consist of two or more separate production units (by virtue of a declaration under article 12(1) of the Order), the Scottish Ministers may decide not to slaughter susceptible animals on free units of those premises.

PART 3

The vaccination programme

Prohibition on vaccination except under licence

11.—(1) Subject to paragraph (2), no person shall vaccinate an animal against the disease or administer hyper-immune serum to it except under the authority of a licence granted by the Scottish Ministers permitting suppressive vaccination or protective vaccination.

(2) Paragraph (1) does not apply to—

- (a) anything done under the authority of a licence granted under article 4 of the Specified Animal Pathogens Order 1998(a); or
- (b) the administration of a vaccine in accordance with an animal test certificate issued in accordance with section 32 of the Medicines Act 1968(b).

Factors informing a decision to permit suppressive vaccination or protective vaccination

12.—(1) The Scottish Ministers shall take into account the following factors in deciding whether to permit suppressive vaccination or protective vaccination—

- (a) the risk of an outbreak of the disease—
 - (i) in the United Kingdom becoming widespread in any part of the country;
 - (ii) spreading to Scotland with imported susceptible animals, carcasses or other things liable to spread disease;
 - (iii) spreading from Scotland with exported susceptible animals, carcasses or other things liable to spread disease;
 - (iv) spreading to or from Scotland because of the prevailing meteorological conditions;
- (b) any threat from the disease to animals in—
 - (i) a laboratory, zoo, wildlife park or other premises where susceptible animals are kept principally for the purposes of display and education of the public, or an enclosed area principally used for shooting;
 - (ii) premises not falling within (i) of a body, institute or centre which—
 - (aa) keeps susceptible animals only for the purposes of conservation, display and education of the public, or scientific research or breeding of such animals for research; and
 - (bb) is approved in relation to those animals under regulation 9 of the Animal and Animal Products (Import and Export) (Scotland) Regulations 2000(c); or

(a) S.I. 1998/463.

(b) 1968, c.67.

(c) S.S.I. 2000/216 as amended by S.S.I. 2000/300, S.S.I. 2002/125 and 196, S.S.I. 2005/278 and 502

(iii) other premises where susceptible animals are kept for scientific purposes or purposes related to conservation of species or farm animal genetic resources; and

(c) the criteria in Annex X of the Directive.

(2) Where, having taken those factors into account, the Scottish Ministers consider that permitting suppressive vaccination or protective vaccination is the most appropriate means of preventing the spread of disease, they shall undertake a vaccination programme.

(3) If the Scottish Ministers decide to undertake a vaccination programme they shall grant one or more licences permitting suppressive vaccination or protective vaccination.

Form of the decision to undertake a vaccination programme

13.—(1) The decision to undertake a vaccination programme shall be given in writing.

(2) The decision shall contain the following information about the vaccination programme—

- (a) whether it is a programme of suppressive or of protective vaccination;
- (b) the place or geographical area where it is to be undertaken;
- (c) specification of the animals to be vaccinated (including their species and age);
- (d) the intended duration of the programme;
- (e) notification of the prohibition on movement of animals and animal products in regulation 18(1) and 19;
- (f) the form of the eartags to be affixed and vaccination records to be made under regulation 22; and
- (g) such other information (if any) as the Scottish Ministers think necessary to inform those who may be affected by the vaccination programme.

(3) Any decision of the Scottish Ministers which results in a change to the information in sub-paragraph (2) shall also be given in writing.

(4) The Scottish Ministers shall take such steps as they consider fit to bring any decision required to be given in writing by this regulation to the attention of those who may be affected by it.

Licences permitting suppressive vaccination or protective vaccination

14.—(1) No licence permitting suppressive vaccination shall authorise vaccination outside a protection zone.

(2) No licence permitting protective vaccination shall authorise vaccination in a vaccination surveillance zone.

Declaration of vaccination zone and of a vaccination surveillance zone for protective vaccination in Scotland

15.—(1) If they decide to undertake a programme of protective vaccination, the Scottish Ministers shall at the same time declare any part of Scotland where it is to be undertaken to be a vaccination zone and shall also declare a vaccination surveillance zone.

(2) A declaration under paragraph (1) shall designate—

- (a) the extent of the vaccination zone; and
- (b) the extent of the vaccination surveillance zone which shall extend from the vaccination zone for at least 10km and shall be of such size as the Scottish Ministers consider fit to prevent the spread of disease.

(3) If they decide to vary the place or geographical area where a programme of protective vaccination is to be undertaken, the Scottish Ministers shall amend the declaration under paragraph (1) so that the vaccination zone comprises the place or geographical area as varied.

(4) Any premises which are partly inside and partly outside a vaccination zone shall be deemed to be wholly within it.

Declaration of vaccination zone and of a vaccination surveillance zone for protective vaccination in England

16.—(1) This regulation applies where a programme of protective vaccination is to be undertaken in England.

(2) Where this regulation applies and any part of the programme of protective vaccination is to be undertaken within ten kilometres of the border with Scotland, the Scottish Ministers shall declare a vaccination surveillance zone in Scotland.

(3) Where this regulation applies and a zone having equivalent effect to a vaccination surveillance zone has been declared in England, the Scottish Ministers may declare a vaccination surveillance zone in Scotland.

(4) Subject to paragraph (5), a vaccination surveillance zone declared under this regulation shall be of such size as the Scottish Ministers think fit to prevent the spread of disease.

(5) A declaration under this regulation shall specify the extent of the vaccination surveillance zone and the Scottish Ministers shall ensure that any such zone—

- (a) abuts the border with England; and
- (b) extends from that border such that its boundary is at least ten kilometres from the perimeter of any zone having equivalent effect to a vaccination zone in England.

Vaccination zones and vaccination surveillance zones: general provisions

17.—(1) Any premises which are partly inside and partly outside a vaccination zone shall be deemed to be wholly within it.

(2) Any premises which are partly inside and partly outside a vaccination surveillance zone shall be deemed to be wholly within it (except premises which are also partly within a vaccination zone).

(3) An area shall remain a vaccination zone or a vaccination surveillance zone (or part of one) until the Scottish Ministers—

- (a) amend the declaration creating it so as to exclude that area; or
- (b) revoke that declaration.

(4) Any amendment or revocation of a declaration creating a vaccination zone or a vaccination surveillance zone shall refer to that declaration and state the date and time it is to take effect.

Time phases and measures applicable to the vaccination zone

18.—(1) Subject to regulation 29, the provisions of the Schedule apply in respect of a vaccination zone in addition to any requirements or restrictions applying in any part of it because that part falls within a protection zone or a surveillance zone.

(2) Phase 1 shall commence on declaration of a vaccination zone.

(3) After 30 days have elapsed since all animals in a vaccination zone specified for vaccination in a decision to undertake a programme of protective vaccination have been vaccinated, the Scottish Ministers may declare the end of phase 1 and the commencement of phase 2 and such declaration shall specify the date and time it is to take effect.

(4) On completion of all measures in regulation 29 (a) to (d) in every reactor premises in a vaccination zone, the Scottish Ministers shall declare the end of phase 2 and the commencement of phase 3 and such declaration shall specify the date and time it is to take effect.

(5) Notwithstanding paragraph (4), the Scottish Ministers may, before completion of the measures in regulation 29(a) to (d) in every reactor premises in a vaccination zone, serve a notice on any premises classified as free of disease under regulation 28(1)(b)(iii) stating that they shall

enter phase 3, and phase 3 shall be deemed to have commenced in respect of those premises on such service.

(6) The Scottish Ministers may declare the end of phase 3 where they are satisfied that the disease has been eradicated in Scotland.

Measures applying in a vaccination surveillance zone

19.—(1) No person shall move any susceptible animal within or out of a vaccination surveillance zone except—

- (a) within the premises on which it is kept; or
- (b) under the authority of a licence granted by the Scottish Ministers.

(2) This regulation applies in addition to any requirements or restrictions applying in any part of a vaccination surveillance zone because that part falls within a protection zone or a surveillance zone.

Extension of the power to cause vaccination

20. Notwithstanding section 16(1) of the Act, the Scottish Ministers may cause vaccination of animals which do not fall within that subsection where they are in a vaccination zone and section 16 of the Act shall apply as if such vaccination was carried out in exercise of the power in section 16(1).

Facilitation of vaccination

21.—(1) The keeper of any animal specified in a decision to undertake a vaccination programme shall, where required by an inspector or a person acting at an inspector's direction—

- (a) state (if required, in writing) the species, ages, and numbers of the animals for which the keeper is responsible; and
- (b) submit any such animal for vaccination at such time and in such place as required by that inspector or that person.

(2) Except under the authority of a licence granted by the Scottish Ministers, no person shall move the following from any premises where any animal specified in a decision to undertake a vaccination programme is kept before all such animals have been vaccinated—

- (a) any animal; or
- (b) any animal product produced on the premises from a susceptible animal.

Identification of vaccinated animals

22.—(1) The Scottish Ministers shall provide every person issued with a licence permitting suppressive vaccination or protective vaccination with sufficient eartags for every animal which may be vaccinated under that licence.

(2) Each eartag shall carry such information as the Scottish Ministers consider necessary to identify the animal to which it is affixed as a vaccinated animal.

(3) Any person vaccinating an animal shall—

- (a) identify it immediately after vaccination by affixing an eartag;
- (b) make a written record of that vaccination containing the following information—
 - (i) the date;
 - (ii) the place;
 - (iii) a description of the animal and the details of its eartag; and
 - (iv) the product and dosage administered;

- (c) ensure that the Scottish Ministers and the keeper of the animal receive a copy of that vaccination record; and
 - (d) retain that vaccination record for a period of six years.
- (4) Vaccination records shall each be in a form approved by the Scottish Ministers.
- (5) Every person provided with eartags under this regulation shall return unused eartags to the Scottish Ministers on demand and without delay.

Marking of cattle passports

- 23.**—(1) This paragraph applies to any animal specified for vaccination which is issued with—
- (a) a cattle passport under the Cattle Passports Order 1996(a);
 - (b) a cattle passport under the Cattle Identification Regulations 1998(b); or
 - (c) a registration certificate under the Cattle (Identification of Older Animals) (Scotland) Regulations 2001(c).
- (2) If the keeper of any animal to which paragraph (1) applies has its cattle passport or registration certificate in that person's possession at the time of vaccination that person shall give it to the person carrying out the vaccination at that time.
- (3) The person carrying out the vaccination shall ensure that any cattle passport or registration certificate given to that person at the time of vaccination is marked at that time to indicate that the animal has been vaccinated and then returned to the keeper.
- (4) If the cattle passport or registration certificate of any animal to which paragraph (1) applies is not in the possession of its keeper at the time of vaccination, the Scottish Ministers shall serve a notice on that keeper requiring that keeper to submit it to the Scottish Ministers without delay on its return to that keeper's possession for marking to indicate that the animal has been vaccinated.

Removal of eartags and missing or illegible eartags

- 24.**—(1) No person shall intentionally remove an eartag affixed under regulation 22 unless it is removed to prevent unnecessary pain and suffering.
- (2) If the keeper of a vaccinated animal removes its eartag in accordance with paragraph (1) or discovers that its eartag is missing or illegible (whether wholly or partially), the keeper shall notify the Scottish Ministers in writing without delay.
- (3) On receipt of a notification under this regulation, the Scottish Ministers shall—
- (a) arrange for a new eartag to be affixed to the vaccinated animal; or
 - (b) if affixing an eartag would cause unnecessary pain and suffering, arrange for the animal to be identified as vaccinated by applying a permanent indelible mark.
- (4) Any person who knows or suspects that an animal has been vaccinated but is not bearing an eartag or a mark applied under paragraph (3)(b) shall immediately notify the keeper of that animal and the Divisional Veterinary Manager.

Sale and slaughter of vaccinated animals

- 25.** No person shall sell a vaccinated animal or send such an animal for slaughter unless it bears an eartag affixed under these Regulations, or a mark applied under regulation 24(3)(b).

(a) S.I. 1996/1686.

(b) S.I. 1998/871, to which there are amendments not relevant to these Regulations.

(c) S.S.I. 2001/1, to which there are amendments not relevant to these Regulations.

Failure to vaccinate animals specified for vaccination

26.—(1) Any person (other than an inspector) who knows or suspects that an animal has been specified for vaccination but was not vaccinated at the time when it should have been, shall immediately notify the keeper of that animal and the Divisional Veterinary Manager.

(2) If an inspector suspects that an animal has been specified for vaccination but was not vaccinated at that time, the inspector shall arrange for that animal to be vaccinated as soon as is reasonably practicable (but not sooner than 21 days after the date it should have been vaccinated).

Carcases of animals specified for vaccination

27.—(1) If an inspector knows or suspects that a carcass is the carcass of a vaccinated animal and is intended for sale (whether before or after processing into an animal product), but is not being dealt with as the carcass of a vaccinated animal the inspector may serve a notice on the person in charge of the carcass requiring that person to arrange for its disposal.

(2) If an inspector knows or suspects that a carcass is the carcass of an animal specified for vaccination which has not been vaccinated and is intended for sale (whether before or after processing into an animal product), the inspector shall serve a notice on the person in charge of the carcass requiring that person to deal with it at all times as if it was the carcass of a vaccinated animal.

(3) In this regulation “specified for vaccination” means specified as an animal to be vaccinated in a decision to undertake a vaccination programme.

Survey and classification of premises during phase 2

28.—(1) The Scottish Ministers shall ensure that during phase 2—

- (a) a clinical and serological survey of all premises in the vaccination zone keeping susceptible animals is carried out in accordance with the following method—
 - (i) all susceptible animals in the vaccination zone are clinically inspected; and
 - (ii) either—
 - (aa) testing for infection with the disease virus by an assay for antibodies against non-structural proteins of the disease virus is carried out on a selection of susceptible animals pursuant to a sampling protocol suitable to detect 5% prevalence with at least 95% level of confidence; or
 - (bb) testing for antibodies against non-structural proteins of the disease virus is carried out on samples from all vaccinated animals and their unvaccinated offspring; and
- (b) each premises in the vaccination zone where susceptible animals are kept is classified according to the outcome of the survey and the criteria in Schedule 3 of the Order—
 - (i) as infected premises, where the premises contained at least one susceptible animal where the presence of the disease virus is confirmed;
 - (ii) as reactor premises, where the premises contained at least one susceptible animal suspected of being infected but where further testing including all susceptible animals on the premises confirmed the absence of circulating disease virus; or
 - (iii) as free of disease.

(2) Where premises are classified as reactor premises under paragraph (1)(b)(ii), the Scottish Ministers shall serve a notice on the occupier declaring the premises to be reactor premises.

(3) Where premises are classified as free of disease under paragraph (1)(b)(iii), the Scottish Ministers shall serve a notice on the occupier declaring the premises to be free of disease.

Measures applicable to reactor premises

29. The following measures shall apply to reactor premises—

- (a) the Scottish Ministers shall arrange for susceptible animals which have tested positive to at least one of the tests in regulation 28(1)(a)(ii) shall be slaughtered on the premises;
- (b) the Scottish Ministers may by notice served on the occupier direct that other susceptible animals on the premises shall be slaughtered;
- (c) the occupier shall dispose of the carcasses of any susceptible animals slaughtered on the premises in accordance with the directions of an inspector;
- (d) the Scottish Ministers shall arrange for the premises to be cleansed and disinfected in accordance with Schedule 1 of the Order; and
- (e) no person shall restock the premises except under the authority of a licence granted by the Scottish Ministers and in accordance with Schedule 9 of the Order.

Duty of the local authority to erect signs

30. The local authority shall ensure that the boundaries of every vaccination zone and vaccination surveillance zone are indicated by signs erected in a conspicuous position on those roads entering the zones on which it considers susceptible animals are likely to be moved.

Intra-Community trade of vaccinated animals

31. No person shall send any vaccinated animal for intra-Community trade.

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, carcass, 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(a) (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;

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

- (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.

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

ROSS FINNIE

A member of the Scottish Executive

St Andrew's House,
Edinburgh
6th February 2006

(a) S.I. 1972/1509.
(b) S.S.I. 2001/261.

SCHEDULE

Regulation 18(1)

Measures applicable in respect of a vaccination zone

PART 1

Movement of live susceptible animals

Movement of susceptible animals during phase 1

1.—(1) During phase 1 no person shall move any susceptible animal within or out of a vaccination zone except for movement wholly within the same premises or movement under the authority of a licence granted by the Scottish Ministers.

(2) The Scottish Ministers shall not grant a licence under sub-paragraph (1) except for—

- (a) the direct transport of animals from premises to a designated slaughterhouse for immediate slaughter—
 - (i) in the same vaccination zone; or
 - (ii) where there is no slaughterhouse in that vaccination zone, outside the vaccination zone; or
- (b) the movement of animals from one part of premises to another part of the same premises using a public highway.

(3) The Scottish Ministers shall not grant a licence under sub-paragraph (1) unless—

- (a) the Scottish Ministers have within the previous 24 hours caused to be carried out a clinical inspection on every susceptible animal on the premises; and
- (b) they are satisfied that there is no suspicion of infection or contamination on the premises.

Movement of susceptible animals during phase 2

2.—(1) During phase 2, no person shall move any susceptible animal from or to any premises in a vaccination zone except under the authority of a licence granted by the Scottish Ministers.

(2) The Scottish Ministers shall not grant a licence under sub-paragraph (1) for the movement of animals from any reactor premises unless it is for the direct transport of animals to a slaughterhouse, for the purpose of immediate slaughter; and each of the animals has been subjected to a diagnostic test either for infection or for antibodies against non-structural proteins of the disease virus without a positive reaction to any such test.

(3) The Scottish Ministers shall not grant a licence under sub-paragraph (1) for any other movement of animals unless it is for—

- (a) transport from premises classified under regulation 28(1)(b) as free of disease to a slaughterhouse for the purpose of immediate slaughter; or
- (b) movement from one part of premises to another part of the same premises using a public highway.

(4) A licence granted under this paragraph (other than a licence for movement under sub-paragraph (3)(b)) shall require that—

- (a) the animals do not come into contact with any other susceptible animals during transport or in the slaughterhouse; and
- (b) the animals are accompanied during transport by a copy of the notice classifying their premises of origin under regulation 28(1)(b), certified as a true copy by an inspector.

(5) The occupier of any slaughterhouse to which susceptible animals are transported under the authority of a licence under this paragraph shall ensure that before slaughter each animal undergoes an ante-mortem health check at the slaughterhouse during the 24 hours before slaughter.

Movement of susceptible animals during phase 3

3.—(1) During phase 3, no person shall move any susceptible animal within or out of a vaccination zone except for movement wholly within the same premises or movement under the authority of a licence granted by the Scottish Ministers.

(2) The Scottish Ministers shall not grant a licence under sub-paragraph (1) for the movement out of a vaccination zone except where it is for the direct transport of animals from premises classified under regulation 28(1)(b) as free of disease to a slaughterhouse for the purposes of immediate slaughter and it includes the conditions in sub-paragraph (3).

(3) The conditions of this sub-paragraph are that—

- (a) the animals do not come into contact with any other susceptible animals during transport; and
- (b) the animals are accompanied during transport by a copy of the notice classifying their premises of origin under regulation 28(1)(b), certified as a true copy by an inspector.

(4) The Scottish Ministers shall not grant a licence under this paragraph for the movement of animals within a vaccination zone unless—

- (a) it specifies a route to be taken which, in the opinion of the Scottish Ministers, ensures the animals are not exposed to infection during the journey, and either—
 - (i) the animals concerned are unvaccinated, and the conditions in sub-paragraph (5) have been complied with; or
 - (ii) the movement of animals is from one part of premises to another part of the same premises using a public highway.

(5) The conditions in this sub-paragraph are that—

- (a) the Scottish Ministers have within the previous 24 hours caused to be carried out a clinical examination on every susceptible animal on the premises of origin and have not identified signs of the disease;
- (b) every susceptible animal on the premises of origin has been kept there for at least 30 days;
- (c) the premises of origin is not in a protection zone or a surveillance zone; and
- (d) either
 - (i) every animal intended for transport has been tested by a veterinary inspector for antibodies against the disease virus after it has been on the premises of origin for a period at least as long as its incubation period with negative results; or
 - (ii) a serological survey pursuant to a sampling protocol suitable to detect 5% prevalence with at least 95% level of confidence has been completed on the premises of origin with negative result by a veterinary inspector.

(6) The Scottish Ministers shall not grant a licence under this paragraph for the movement of the unvaccinated offspring of a vaccinated dam unless either—

- (a) the Scottish Ministers are satisfied that each animal has undergone a serological test by a veterinary inspector for the detection of antibodies against the disease with a negative result; or
- (b) the licence is for movement to—
 - (i) premises within the vaccination zone with the same classification under regulation 28 (1) (b);
 - (ii) a slaughterhouse for immediate slaughter; or

- (iii) other specified premises in which case sub-paragraph (7) applies; or
- (c) the licence is for the movement of animals from one part of premises to another part of the same premises using a public highway.

(7) Where this sub-paragraph applies, during phase 3 no person shall move any animal moved to specified premises from those premises except for—

- (a) movement to a slaughterhouse for immediate slaughter; or
- (b) 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 the Scottish Ministers.

(8) The occupier of any slaughterhouse to which susceptible animals are transported under the authority of a licence granted under this paragraph from premises classified as free of disease under regulation 28(1)(b) shall ensure that—

- (a) during the 24 hours before slaughter each animal undergoes an ante-mortem health check at the slaughterhouse; and
- (b) at the slaughterhouse, the transported animals do not come into contact with other animals.

Cleansing and disinfection of vehicles transporting susceptible animals

4.—(1) The person in charge of any vehicle used to move susceptible animals under the authority of a licence granted under paragraph 1, paragraph 2 or paragraph 3 shall—

- (a) subject to sub-paragraph (3), ensure that it is cleansed and disinfected without delay in accordance with Schedule 2 to the Transport of Animals (Cleansing and Disinfection) (Scotland) Regulations 2005 and any additional requirements an inspector may by written directions impose;
- (b) make a record of the time and date of each cleansing and disinfection undertaken during phase 2 or phase 3;
- (c) keep the record with the vehicle at all times; and
- (d) retain the record for 6 months after the last such cleansing and disinfection.

(2) Such cleansing and disinfection shall be undertaken—

- (a) before loading; and
- (b) after unloading and before leaving the premises of destination.

(3) Such cleansing and disinfection shall also be undertaken after loading and before leaving the premises of origin in respect of the wheels and wheel arches only of the vehicle to ensure they are clean on leaving the premises.

Production of licences and unloading after licensed movements

5.—(1) This paragraph applies where any licence is granted for the movement of susceptible animals between premises under this Part, unless that licence provides otherwise.

(2) Where this paragraph applies, no person shall unload susceptible animals on premises to which they are moved unless that person first gives the movement licence to the occupier of those premises.

(3) Where this paragraph applies, the occupier of any premises to which susceptible animals are moved shall—

- (a) forward the licence without delay to the local authority and, in the case of a slaughterhouse, provide a copy to any official veterinary surgeon appointed for that slaughterhouse;
- (b) retain a copy of the licence for a period of 6 months and produce it on request for inspection by an inspector; and
- (c) in the case of a collecting centre, ensure that susceptible animals are marked or tagged in accordance with the directions of the Scottish Ministers so as to enable the identity of the

collecting centre and the premises from which they were moved to be established throughout their onward movement to a slaughterhouse.

PART 2

Fresh meat, minced meat, mechanically separated meat and meat preparations

Fresh meat etc. derived from vaccinated animals slaughtered during phase 1

6.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from vaccinated animals slaughtered in a vaccination zone during phase 1.

(2) No person shall sell or consign for sale meat to which this paragraph applies unless it satisfies the following requirements—

- (a) it was health marked or identification marked and that mark was overstamped;
- (b) after marking, it was at all times stored and transported separately from meat which was not so marked;
- (c) it was transported to an establishment designated by the Scottish Ministers in sealed containers for treatment; and
- (d) it was treated at that establishment so that it falls within paragraph 1 of Schedule 5 to the Order.

Fresh meat etc. derived from vaccinated ruminants slaughtered during phase 2

7.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from vaccinated ruminants slaughtered in a vaccination zone during phase 2.

(2) No person shall sell or consign for sale offal to which this paragraph applies.

(3) No person shall sell or consign for sale meat other than offal to which this paragraph applies 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 impose strict veterinary control of the establishment;
- (b) processes only meat falling within sub-paragraph (4); and
- (c) at all times during the production process stores, identifies and transports animal products intended to be eligible for sale to the final consumer or user separately from those which are not, and in accordance with the directions of the Scottish Ministers.

(4) Meat falls within this sub-paragraph if—

- (a) it has been—
 - (i) deboned and matured so that it falls within paragraphs 11 and 12 of Schedule 5 to the Order; or
 - (ii) obtained from animals reared and slaughtered outside a vaccination zone; and
- (b) it is health marked or identification marked.

Fresh meat etc. from vaccinated swine slaughtered during phase 2

8.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from vaccinated swine slaughtered in a vaccination zone during phase 2.

(2) No person shall sell or consign for sale meat to which this paragraph applies unless it satisfies the following requirements—

- (a) it was health marked or identification marked and that mark was overstamped;

- (b) after marking, it was at all times stored and transported separately from meat which was not so marked;
- (c) it was transported in sealed containers for treatment to an establishment designated by the Scottish Ministers; and
- (d) it was treated at that establishment so that it falls within paragraph 1 of Schedule 5 to the Order.

Fresh meat etc. derived from unvaccinated susceptible animals slaughtered in a vaccination zone during phase 3

9.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from unvaccinated susceptible animals slaughtered in a vaccination zone during phase 3.

- (2) No person shall sell or consign for sale meat to which this paragraph applies unless—
 - (a) either—
 - (i) all susceptible animals on all reactor premises in the vaccination zone have been slaughtered; or
 - (ii) the animals from which the meat was derived were transported to the slaughterhouse in compliance with sub-paragraph (3) or sub-paragraph (4); and
 - (b) it was produced in an establishment which complies with sub-paragraph (5).
- (3) Transport complies with this sub-paragraph if it satisfies the following requirements—
 - (a) the animals do not come into contact with any other susceptible animals during transport or in the slaughterhouse; and
 - (b) the animals are accompanied during transport by a copy of the notice classifying their premises of origin under regulation 28(1)(b), certified as a true copy by an inspector.
- (4) Transport complies with this sub-paragraph if the animals transported have either—
 - (a) all been tested by a veterinary inspector for antibodies against the disease after the end of its incubation period with negative results; or
 - (b) been subjected by a veterinary inspector to a serological survey at that time pursuant to a sampling protocol suitable to detect 5% prevalence with at least 95% level of confidence with negative results.
- (5) An establishment complies with this paragraph if it—
 - (a) is authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to impose strict veterinary control of the establishment;
 - (b) processes only meat falling within sub-paragraph (6); and
 - (c) at all times during the production process stores, identifies and transports animal products eligible for sale to the final consumer or user separately from those which are not, and in accordance with the directions of the Scottish Ministers.
- (6) Meat falls within this sub-paragraph if—
 - (a) it—
 - (i) has been deboned and matured so that it falls within paragraphs 11 and 12 of Schedule 5 to the Order;
 - (ii) is derived from animals which were transported to the establishment under the authority of a licence granted under paragraph 3; or
 - (iii) is derived from animals which were reared and slaughtered outside a vaccination zone; and
 - (b) it is health marked or identification marked.

Fresh meat etc. derived from vaccinated ruminants and the unvaccinated seropositive offspring of vaccinated dams slaughtered during phase 3

10.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from the following animals slaughtered in a vaccination zone during phase 3—

- (a) vaccinated ruminants; and
- (b) unvaccinated seropositive offspring of vaccinated ruminant dams.

(2) No person shall sell or consign for sale offal to which this paragraph applies.

(3) No person shall sell or consign for sale meat, other than offal, to which this paragraph applies unless it complies with sub-paragraph (4) or it was produced in an establishment complying with sub-paragraph (5).

(4) Meat complies with this sub-paragraph if it satisfies the following requirements—

- (a) it was health marked or identification marked and that mark was overstamped;
- (b) after marking, it was at all times stored and transported separately from meat which was not so marked;
- (c) it was transported in sealed containers for treatment to an establishment designated by the Scottish Ministers; and
- (d) it was treated at that establishment so that it falls within paragraph 1 of Schedule 5 to the Order.

(5) An establishment complies with this sub-paragraph if it—

- (a) is authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to impose strict veterinary control of the establishment;
- (b) processes only meat falling within sub-paragraph (6); and
- (c) at all times during the production process stores, identifies and transports animal products eligible for sale to the final consumer or user separately from those which are not, and in accordance with the directions of the Scottish Ministers.

(6) Meat falls within this sub-paragraph if—

- (a) it—
 - (i) has been deboned and matured so that it falls within paragraphs 11 and 12 of Schedule 5 of the Order;
 - (ii) has been transported to the establishment under the authority of a licence granted under paragraph 3; or
 - (iii) is derived from animals which were reared and slaughtered outside a vaccination zone; and
- (b) it is health marked or identification marked.

Fresh meat etc. derived from vaccinated swine and the unvaccinated seropositive offspring of vaccinated swine slaughtered during phase 3

11.—(1) This paragraph applies to fresh meat, minced meat, mechanically separated meat and meat preparations derived from the following animals slaughtered during phase 3—

- (a) vaccinated swine;
- (b) unvaccinated seropositive offspring of vaccinated swine.

(2) No person shall sell or consign for sale meat to which this paragraph applies unless it complies with sub-paragraph (3) or it was produced in an establishment complying with sub-paragraph (4).

(3) Meat complies with this sub-paragraph if it satisfies the following requirements—

- (a) it was health marked or identification marked and that mark was overstamped;

- (b) after marking, it was at all times stored and transported separately from meat which was not so marked;
 - (c) it was transported in sealed containers for treatment to an establishment designated by the Scottish Ministers; and
 - (d) it was treated at that establishment so that it falls within paragraph 1 of Schedule 5 to the Order.
- (4) An establishment complies with this sub-paragraph if it–
- (a) is authorised by a licence granted by the Scottish Ministers imposing such conditions as they consider necessary to impose strict veterinary control of the establishment;
 - (b) processes only meat falling within sub-paragraph (5); and
 - (c) at all times during the production process stores, identifies and transports animal products eligible for sale to the final consumer or user separately from those which are not, and in accordance with the directions of the Scottish Ministers.
- (5) Meat falls within this sub-paragraph if it comes from animals–
- (a) originating in premises which have been declared free of disease under regulation 28(1)(b); or
 - (b) which were reared and slaughtered outside a vaccination zone.

PART 3

Products other than fresh meat

Milk and milk products produced from vaccinated animals

12.—(1) No person shall sell or consign for sale any milk produced from a vaccinated animal or any milk product produced from such milk unless it complies with sub-paragraph (2).

- (2) Milk and milk products comply with this sub-paragraph if–
- (a) they have been treated so as to fall within paragraph 13 (where it is for human consumption) or paragraph 14 (where it is for other than human consumption) of Schedule 5 to the Order; and
 - (b) that treatment was carried out either–
 - (i) inside the vaccination zone on premises complying with sub-paragraph (3); or
 - (ii) outside the vaccination zone on such premises as the Scottish Ministers may direct.
- (3) 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) has been treated so as to fall within paragraph 13 or paragraph 14 of Schedule 5 to the Order;
 - (ii) is transported to the premises for such treatment; or
 - (iii) is raw milk obtained from outside a vaccination 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 vaccination 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 produced in a vaccination zone

13.—(1) No person shall collect and transport milk produced in a vaccination zone 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 the disease under article 4 of the Specified Animal Pathogens Order 1998(a); 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 used 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 under sub-paragraph (2) except under the authority of a licence granted by an inspector.

Artificial insemination and collection of ova and embryos

14.—(1) No person shall collect semen for artificial insemination from a susceptible animal kept in a semen collection centre in a vaccination zone unless such collection complies with sub-paragraph (3).

(2) No person shall collect ova or embryos from susceptible animals kept in a vaccination zone.

(3) Collection of semen for artificial insemination complies with this sub-paragraph if—

(a) it is under the authority of a licence granted by the Scottish Ministers;

(b) the semen collected is clearly marked in accordance with the directions of the Scottish Ministers and is stored separately from other semen for at least 30 days before use;

(c) where the donor animal is unvaccinated—

(i) all animals kept in the semen collection centre have undergone a clinical examination and samples have been subjected to a serological test which substantiates the absence of infection in that centre to the satisfaction of the Scottish Ministers; and

(a) S.I. 1998/463.

- (ii) it has been subjected with negative result to a serological test for the detection of antibodies against the disease on a sample taken not earlier than 28 days after collection of the semen; and
- (d) where the donor animal is vaccinated–
 - (i) the vaccination took place following a test for antibodies against the disease virus with negative results;
 - (ii) a negative result has been achieved in a test for detection of either the disease virus or viral genome or for the detection of antibody against non-structural proteins, carried out at the end of the quarantine period for the semen on samples taken from all susceptible animals kept at the semen collection centre at that time; and
 - (iii) 5% of the semen from each collection (with a minimum of five straws) has been subjected to a virus isolation test for the disease with negative results.

Hides and skins

15.—(1) This paragraph applies to hides and skins of susceptible animals originating in a vaccination zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless either–

- (a) it was–
 - (i) produced before the date 21 days before the vaccination zone was declared; and
 - (ii) at all times stored separately from hides and skins which were not so produced; or
- (b) it has been treated so that it falls within paragraph 2 of Schedule 5 to the Order.

Wool, ruminant hair and pig bristles

16.—(1) This paragraph applies to wool, ruminant hair and pig bristles from animals originating in a vaccination zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless either–

- (a) it was–
 - (i) produced before the date 21 days before the vaccination zone was declared; and
 - (ii) at all times stored separately from wool, ruminant hair and pig bristles which were not so produced; or
- (b) has been treated so that it falls within paragraph 3 of Schedule 5 to the Order.

Other animal products

17.—(1) This paragraph applies to any animal product other than one to which the other paragraphs in this Schedule apply, where they are produced from susceptible animals originating in a vaccination zone.

(2) No person shall sell or consign for sale any animal product to which this paragraph applies unless it satisfies one of the following requirements–

- (a) it was–
 - (i) produced before the date 21 days before the vaccination zone was declared; and
 - (ii) at all times stored and transported separately from animal products which were not so produced;
- (b) it has been treated so that it falls within paragraph 4 of Schedule 5 to the Order;
- (c) where it is referred to in one of paragraphs 5 to 9 of Schedule 5 to the Order, it has been treated so that it falls within that paragraph;

- (d) it forms part of a composite product (that is, a manufactured or processed product containing more than one ingredient at least one of which is an animal product) and each ingredient which is an animal product–
 - (i) is referred to in a paragraph of Schedule 5 to the Order and has been treated so that it falls within that paragraph (either before manufacturing or processing, or as part of the composite product); or
 - (ii) was not produced from susceptible animals originating on infected premises, suspect premises or contact premises or susceptible animals originating in a temporary control zone, protection zone, surveillance zone or vaccination zone;
 - (e) it is a packaged product ready for use–
 - (i) as a reagent, reagent product, calibrator, kit or any other system (whether used alone or in combination);
 - (ii) in vitro for the examination of samples of human or animal origin (with the exception of donated organs or blood); and
 - (iii) solely or principally with a view to the diagnosis of a physiological state, state of health, disease or genetic abnormality or to determine safety and compatibility with reagents.
- (3) In this paragraph–
- (a) contact premises means any premises declared to be contact premises under article 13 of the Order; and
 - (b) suspect premises means any premises declared to be suspect premises under article 11(7) or 13 of the Order.
- (4) In this paragraph, the expressions “susceptible animals originating in”, in respect of a protection zone or a surveillance zone, or “susceptible animals originating on” in respect of infected premises mean–
- (a) susceptible animals kept in the protection zone or surveillance zone (after the declaration of the zone) or on the infected premises, as the case may be; and
 - (b) susceptible animals which were kept within the boundaries of the protection zone or surveillance zone or on the infected premises at any time during the period–
 - (i) beginning 21 days before the following date–
 - (aa) in the case of a protection zone, the earliest infection date on premises there;
 - (bb) in the case of a surveillance zone, the earliest infection date on premises in the associated protection zone; and
 - (cc) in the case of infected premises, the infection date; and
 - (ii) ending with the declaration of the protection zone, surveillance zone or infected premises, as the case may be.
- (5) In this paragraph, the expressions “susceptible animals originating in”, in respect of a temporary control zone, or “susceptible animals originating on”, in respect of suspect premises or contact premises mean–
- (a) susceptible animals kept in the temporary control zone (after the declaration of the zone) or on the suspect premises or contact premises, as the case may be; and
 - (b) susceptible animals which were kept within the boundaries of the temporary control zone or on the suspect premises or contact premises at any time during the period–
 - (i) beginning 21 days before the declaration of the temporary control zone or suspect premises or contact premises, as the case may be; and
 - (ii) ending with that declaration.
- (6) In this paragraph, “infection date” means, in respect of any premises, any date confirmed by the Scottish Ministers under article 11(11) of the Order as the earliest date disease was present there.

Transport, treatment and distribution of dung and manure

18.—(1) This paragraph applies to dung or manure from premises in a vaccination zone where susceptible animals are kept.

(2) No person shall transport or spread dung or manure from premises in a vaccination zone where susceptible animals are kept unless such transport or spreading 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 an establishment 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 (2) 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 and spreading of dung or manure complies with this sub-paragraph if—

- (a) it is under the authority of a licence granted by an inspector; and
- (b) before grant of the licence a veterinary inspector has clinically examined all susceptible animals on the premises where it was produced and is satisfied that they are not suspected of infection.

(6) A licence granted under sub-paragraph (5) shall include terms requiring that dung or manure—

- (a) is spread from not more than 1 metre above the ground;
- (b) if liquid, is not be 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) is immediately incorporated into the ground.

(7) Transport and spreading of dung or manure complies with this sub-paragraph if—

- (a) it is under the authority of a licence granted by an inspector; and
- (b) 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) A licence granted under sub-paragraph (7) shall include a term requiring that manure is injected into the ground.

(9) Any licence granted under sub-paragraph (5) or sub-paragraph (7) shall contain at least the following terms—

- (a) designation of the areas within which the dung and manure must be spread; and
- (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 vehicles which are—

- (a) constructed and maintained so that there is no leakage of the load during transport; and
- (b) cleansed and disinfected in accordance with the directions of an inspector, 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 in accordance with the directions of an inspector, 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 (11) shall ensure that such cleansing and disinfection is carried out so that—

- (a) the exterior (including the wheels and wheel arches) is not marked with mud, dung, manure or similar matter on leaving the premises of origin or the premises of destination;

- (b) the interior (excluding any driver or passenger compartment) is not so marked on leaving the premises of destination; and
- (c) any additional requirements as an inspector directs are complied with.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose for Scotland Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease (O.J. No. L306, 22.11.2003, p1) insofar as it deals with vaccination against foot-and-mouth disease, and the provision of additional slaughter powers. The Directive is also transposed by the Foot-and-Mouth Disease (Scotland) Order 2006 (S.S.I. 2006/44) (“the Order”).

They revoke the Foot-and-Mouth Disease (Infected Areas) (Vaccination) Order 1972 (S.I. 1972/1509) insofar as it applies in Scotland and the Foot-and-Mouth Disease (Control of Vaccination) (Scotland) Regulations 2001 (S.S.I. 2001/261).

Part 1 of the Regulations contains introductory and interpretation provisions.

Part 2 makes provision for preventive eradication and additional powers of slaughter, and also for exemption from slaughter for certain susceptible animals.

Part 3 makes provision for a programme of vaccination against foot-and-mouth disease.

Regulation 11 requires vaccination to be carried out under licence unless it is carried out as scientific research.

Regulation 12 sets out the factors the Scottish Ministers must consider when deciding whether to permit vaccination and regulation 13 requires such a decision to be in writing and to contain specified information.

Regulation 14 provides for the effect of a licence permitting vaccination.

Regulations 15 to 19 apply when a programme of protective vaccination (defined in regulation 2, commonly referred to as “vaccination to live”) is undertaken. They provide for the declaration of a vaccination zone and a vaccination surveillance zone. Regulation 18 and the Schedule provide for the measures applying in a vaccination zone. The requirements for treatment of products originating in or produced in a vaccination zone should be read with Schedule 5 of the Order. These vary according to the phase of the vaccination programme; the commencement and ending of phases are also provided for in regulation 18. Regulation 19 provides for the measures applying in a vaccination surveillance zone.

Regulation 20 extends the power to vaccinate animals in section 16 of the Animal Health Act 1981 (c22, amended by the Animal Health Act 1981 (Amendment) Regulations 1992 (S.I. 1992/3293), (“the Act”) and, consequentially, the effect of other provisions of the Act relating to vaccination.

Regulation 21 requires keepers of animals to facilitate their vaccination and controls movement of animals from premises where vaccination is being undertaken.

Regulation 22 provides for identification of vaccinated animals by means of an eartag at the time of vaccination. Regulation 23 requires cattle passports and registration certificates to be marked to identify the animal as vaccinated. Regulation 24 provides for removal of eartags and missing eartags. Regulation 25 prohibits the sale or sending for slaughter of a vaccinated animal unless it is identified as such. Regulations 26 and 27 provide for animals which were to have been included in a vaccination programme but were not vaccinated and for their carcasses. Regulation 27 also makes provision for the treatment of carcasses which come from a vaccinated animal but are not being dealt with accordingly.

Regulation 28 provides for the survey of premises during phase 2 of a programme of protective vaccination and their classification according to the results of that survey. Regulation 29 provides for the measures applying to premises classified as “reactor premises”. The requirements for

cleansing and disinfection and restocking of reactor premises should be read with Schedules 1 and 9 of the Order.

Regulation 30 requires the local authority to erect signs indicating the boundaries of vaccination zones and vaccination surveillance zones.

Regulation 31 prohibits the sending of vaccinated animals for intra-Community trade.

Part 4 makes general and supplementary provision

Regulation 32 requires occupiers to provide facilities, equipment and materials where cleansing and disinfection of vehicles is required on their premises.

Regulation 33 makes provision to maintain marks applied under the Regulations.

Regulation 34 provides for the feeding and tending of animals or poultry which cannot be moved on termination of a right of occupation because of a restriction imposed by the Regulations.

Regulations 35 to 42 and 44 to 47 make provision related to offences and enforcement. In particular, regulation 41 applies provisions of the Act related to offences as if the Regulations were an Order made under the Act; consequently, failure to comply with the Regulations is an offence under section 73 of the Act.

Regulation 43 confers general powers on veterinary inspectors to take action to prevent spread of disease.

Regulation 48 makes provision as to amendments, whilst regulation 49 makes provision as to revocations.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been prepared and placed in the Scottish Parliament Information Centre, together with a Transposition Note setting out how the main elements of Directive 2003/85/EC are transposed in these Regulations. Copies may be obtained from the Scottish Executive Environment and Rural Affairs Department, Pentland House, Robb's Loan, Edinburgh, EH14 1TW.

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ANIMALS

ANIMAL HEALTH

**The Foot-and-Mouth Disease (Slaughter and Vaccination)
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