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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes and re-enacts the Tuberculosis (Scotland) Order 2005 and the Brucellosis and Tuberculosis Compensation (Scotland) Order 1978 insofar as it relates to bovine tuberculosis. It incorporates existing control measures and compensation provisions in one instrument and introduces amendments to each.

This Order implements Council Directive [64/432/EEC](#) in so far as it relates to the operation of a monitoring and testing programme for bovine tuberculosis.

### **The amendments**

The principal changes are the extension of the definition of carcase in the duty to notify disease so that it covers the carcasses of all farmed and pet mammals (article 5) and the relaxation of the prohibition on vaccinating or treating animals for tuberculosis so that it can be done with the written consent of the Scottish Ministers (article 26).

### **The articles**

Article 3 extends the definition of disease and the power to slaughter in the Animal Health Act 1981 to cover tuberculosis.

Articles 4 and 5 provide for notification of animals or carcasses affected with or suspected of being affected with tuberculosis.

Article 6 provides for veterinary inquiry and the taking of samples when an animal or carcase is affected with or suspected of being affected with tuberculosis and for restrictions relating to movement of animals and handling of milk.

Article 7 defines premises for the purposes of articles 8 and 9. Article 8 provides for testing of animals before they move from premises in areas where there is a high incidence of tuberculosis and article 9 provides for testing of animals after they arrive on such premises.

Article 10 regulates the application and payment of tests.

Article 11 prohibits the movement of an animal which has had a test applied to it pending the result of that test, article 12 imposes a duty to report the results of a test to the Scottish Ministers and article 13 prohibits interference with or obstruction of tests.

Article 14 sets out precautionary measures to be taken if an animal is affected with tuberculosis, including isolation of the animal and cleansing and disinfection.

Article 15 provides for removal of an affected or suspected animal from a market etc and for isolation after removal.

Article 16 allows notices to be served requiring that an animal which is or may be affected with tuberculosis to be kept under control.

Article 17 provides for the service of notices of intended slaughter to be carried out under section 32 of the Animal Health Act 1981 and for movement restrictions pending slaughter. Articles 18 and 19 provide for compensation.

Article 20 relates to the issuing of notices, licences etc.

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

Article 21 imposes an obligation to facilitate the examination, testing and valuation of animals and article 22 provides for measures to be taken in the event of failure to comply with that obligation.

Article 23 provides for marking of animals for identification purposes.

Article 24 allows for the serving of notices restricting the movement of animals and article 25 restricts the movement of manure, slurry etc if a notice is served under article 24.

Article 26 prohibits testing, vaccinating or treating an animal for tuberculosis without the consent of the Scottish Ministers.

Article 27 imposes on laboratories a duty to notify positive test results.

Article 28 provides that the Order shall be enforced by the local authority and article 28 deals with corporate liability for offences.

Article 30 deals with revocations and article 31 is a savings provision.

Failure to comply with any provision of the Order is an offence under section 73 of the Animal Health Act 1981.

A Regulatory Impact Assessment has not been produced for this instrument because it has no impact on the costs of business.