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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 400**

**The Disease Control (Interim Measures)  
(Scotland) Amendment (No. 2) Order 2007**

**Amendment**

2.—(1) The Disease Control (Interim Measures) (Scotland) Order 2002<sup>(1)</sup> is amended in accordance with this article.

(2) In article 2, after the definition of—

(a) “approved disinfectant”, insert—

““Islands area” means that part of Scotland comprising—

- (a) in the area of Argyll and Bute Council, the islands of Coll, Colonsay, Gigha, Iona, Islay, Jura and Mull;
- (b) in the area of the Highland Council, the islands of Eigg, Muck, Rum and Skye;
- (c) the area of the Orkney Islands Council;
- (d) in the area of North Ayrshire Council, the islands of Arran, Bute, Great Cumbrae and Little Cumbrae;
- (e) the area of the Shetland Islands Council;
- (f) the area of the Comhairle nan Eilan Siar; and
- (g) in the areas of Argyll and Bute Council and Highlands Council, the islands not specified in paragraphs (a) and (b).”;

(b) “premises”, insert—

““separation condition” means the condition specified in article 4(1);

“standstill period” is, for an animal on premises in—

- (a) the islands area, a period of 13 days; and
- (b) in any other area, a period of 20 days;”.

(3) In article 3—

(a) in paragraph (1)(b) for “the period of 20 days” substitute “the standstill period”; and

(b) for paragraph (2) substitute—

“(2) The requirement in paragraph 1(b) shall not apply if—

- (a) the premises from which the animal to be moved is a market, artificial insemination centre, exhibition, show, place for veterinary treatment or research, or a slaughterhouse;
- (b) the movement is from premises in the Islands area and—
  - (i) the—

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<sup>(1)</sup> S.S.I. 2002/34, as amended by S.S.I. 2002/221, 369 and 530, 2003/228, 2006/73 and 291 and 2007/387.

- (aa) separation condition is met;
  - (bb) owner of the premises, or the keeper of the animal to be moved, has made a declaration to the Scottish Ministers in the form specified in Schedule 1 (or as near to that form as circumstances may allow); and
  - (cc) Scottish Ministers have authorised the premises for the purpose of the separation condition; or
- (ii) a condition in Schedule 2 is met;
- (c) the movement is from premises not in the Islands area, and a condition in paragraphs 1, 2, 3(a), 6, 8 to 11, 14, 17 or 18 of Schedule 2 is met.”.
- (4) For article 4 substitute–

**“Separation of animals in the Islands area**

4.—(1) The separation condition is that the animal to be moved (in this paragraph “the first animal”) from the premises at which it is located (in this article “the premises of origin”) has been kept separate, in accordance with this article, from–

- (a) any other animal brought onto; or
- (b) any other animal (other than an animal kept with the first animal for the purposes of the specified condition) to be moved from,

the premises of origin.

(2) The owner or person in charge of the animal to be moved shall ensure the place where it is kept is separated from other animals on the premises of origin and on adjoining premises by–

- (a) a natural barrier;
- (b) a solid wall; or
- (c) an internal partition in a building.

(3) A natural barrier for the purposes of paragraph (2)(a) may include fields which are empty of animal, an area of woodland, or a stream.

(4) The owner or person in charge of the animal to be moved shall ensure that the degree of separation is sufficient to prevent nose to nose contact between that animal and any other animal on the premises of origin or adjoining premises.

(5) The owner or person in charge of the animal to be moved shall ensure that the place where the animal to be moved is kept–

- (a) contains feeding and water troughs to which no other animal has access; and
- (b) is secured against the escape of the animal to be moved.

(6) The owner or person in charge of the animal to be moved shall inform any person–

- (a) handling an animal brought on to the premises of origin that is to be kept separate for the purpose of this article;
- (b) visiting a place where such an animal is kept,

of the conditions in this article that must be met by the person so informed.

(7) The owner or person in charge of an animal (in this paragraph “the first animal”) brought onto premises from which an animal is to be moved in accordance with this article shall ensure that the first animal is inspected for signs of disease by that owner or person not less than once each day during any period in which the first animal must remain separated.

- (8) A person handling an animal brought on to the premises of origin that is to be kept separate for the purpose of this article must wear clothing or footwear that—
- (a) can be cleansed and disinfected; or
  - (b) is disposable.
- (9) A person handling an animal brought on to the premises of origin that is to be kept separate for the purpose of this article must, before handling any other animal—
- (a) dispose of the clothing or footwear worn during handling in such a way that no animal shall come into contact with such items;
  - (b) cleanse and disinfect (with an approved disinfectant) the clothing or footwear worn during handling.
- (10) Any person visiting a place where an animal brought on to the premises of origin is kept separate for the purpose of this article must—
- (a) when visiting that place comply with the requirement set out in paragraph (8); and
  - (b) before leaving that place with the requirement set out in paragraph (9).
- (11) Any person handling an animal brought on to the premises of origin that is to be kept separate for the purpose of this article shall only take a vehicle into the place where that animal is kept if doing so is necessary to meet essential needs of, or in respect of, that animal.
- (12) The person in charge of a vehicle taken into a place specified in paragraph (11) shall cleanse and disinfect (with an approved disinfectant) the wheels and wheel arches of that vehicle before it comes into contact with, or is in close proximity, to any other animal.
- (13) Any person handling an animal to be moved from the premises of origin in accordance with this article must comply with the requirements set out in paragraphs (8) and (9).
- (14) Any person visiting a place where an animal to be moved from the premises of origin in accordance with this article must—
- (a) when visiting that place comply with the requirement set out in paragraph (8); and
  - (b) before leaving that place with the requirement set out in paragraph (9).
- (15) If an animal to be moved in accordance with this article (in this paragraph “the first animal”) is kept separate from any other animal to be moved from the premises of origin (in this paragraph “the second animal”), then a person handling the second animal must comply with the requirements set out in paragraphs (8), (9), (11) and (12) even if the second animal is one that has been brought on to the premises and not kept separate from any other animal.”.
- (5) Omit article 4A.
- (6) In article 6, for “2” substitute “3”.
- (7) In article 6A, for “2” substitute “3”.
- (8) For article 6B substitute—

**“Holding of a market**

- 6B.**—(1) No person shall hold a market at market premises in a relevant area—
- (a) before 0001 hours on 31st August 2007; and
  - (b) unless the person holding the market has notified the Divisional Veterinary Manager in writing at least 24 hours before the time the market is due to begin.
- (2) Any person holding a market in a relevant area shall take all reasonable steps to comply with any guidance on the conduct of that market issued by the Divisional Veterinary Manager.
- (3) In this article “relevant area” means any part of Scotland other than the Islands area.”.

(9) For article 12 substitute–

**“Transitional provision**

**12.** The movement of an animal shall not require a licence in accordance with article 3(1) (a) for so long as that movement would have been authorised under a licence granted by the Scottish Ministers before 25th August 2007 (in this article “the second licence”) under the Foot-and-Mouth Disease Order 2006<sup>(2)</sup>, but for the revocation of a declaration made under that Order, and provided that the conditions applying to the second licence are met.”.

(10) In Schedule 1, omit from “I have read” to end of the second paragraph and insert–

“I have read the conditions for separation of animals on premises set in article 4 of the Disease Control (Interim Measures) (Scotland) Order 2002.

I agree that I am responsible for complying with those conditions, and for ensuring compliance by staff employed by me, contractors engaged by me, and visitors to any place at which separated animals are kept.

I understand that failure by myself or any such person to comply with those conditions may cause the Scottish Ministers to revoke their authorisation of any premises as suitable for holding separated animals.”.

(11) Renumber Schedule 2 as Schedule 3.

(12) Insert the Schedule to this Order as Schedule 2.

(13) In paragraph 12 of Schedule 3 (as re-numbered) after “a market” insert “, other than a market in the Islands area,”.