

2007 No. 400

ANIMALS

ANIMAL HEALTH

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

Made - - - - - *30th August 2007*

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1, 7, 8A and 8(1) of the Animal Health Act 1981(a) and all other powers enabling them to do so.

Title, commencement and extent

1.—(1) This Order may be cited as the Disease Control (Interim Measures) (Scotland) Amendment (No. 2) Order 2007, and comes into force at 0001 hours on 31st August 2007.

(2) This Order extends to Scotland only.

Amendment

2.—(1) The Disease Control (Interim Measures) (Scotland) Order 2002(b) 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

(a) 1981 c.22. Section 8A was inserted by section 6 of the Animal Health and Welfare (Scotland) Act 2006 (ASP 11) (“the 2006 Act”). Section 8 was amended by paragraph 1 of schedule 2 to the 2006 Act. The functions conferred under the 1981 Act on “the Ministers” (as defined in section 86 of that Act) are now exercisable by the Scottish Ministers. They were transferred, so far as within devolved competence, by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 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.

- (g) in the areas of Argyll and Bute Council and Highlands Council, the islands not specified in paragraphs (a) and (b).”; and
- (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–
 - (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(a), 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,”.

IAN ANDERSON

A member of the staff of the Scottish Ministers

Pentland House,
Edinburgh
30th August 2007

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

SCHEDULE 1

Article 2(12)

“SCHEDULE 2

Article 3(2)

MOVEMENTS NOT SUBJECT TO STANDSTILL

1. A pig is moved from premises where that movement is in accordance with the provisions of the Pigs (Records, Identification and Movement) Order 1995(a).

2. An animal is moved direct from premises to a–

(a) slaughterhouse; or

(b) market for animals intended for immediate slaughter,

provided in the case of paragraph (b) that the animal has not been presented at a market during the standstill period prior to the date when it is moved from the premises.

3. A calf less than 30 days old from is moved from the premises on which it was born to–

(a) other premises for the purpose of fostering that calf; or

(b) premises authorised by the Divisional Veterinary Manager for the purposes of the rearing of calves,

provided in the case of paragraph (b) that the calf is tagged and accompanied by a full cattle passport under the Cattle Identification (Scotland) Regulations 2007(b).

4. An animal is moved [0]by virtue only of the fact that it comes from premises to which a calf less than 30 days old has been moved from its holding of birth in accordance with paragraph 3.

5. A lamb or kid less than 7 days old is moved from the premises on which it was born to other premises within 10 kilometres in distance by road for the purpose of fostering that lamb or kid, provided that the lamb or kid is identified in accordance with the Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006(c);

6. Any animal [0](in this paragraph “the first animal”) is moved by virtue only of the fact that it comes from premises onto which a bull or ram has been brought for breeding purposes, and the bull or ram is used for those purposes within 28 days after the first animal is moved.

7. A sheep is moved from away wintering to the premises from which the sheep was moved for away wintering.

8. An animal is moved between premises within a radius of 8 kilometres and occupied by the same person or business.

9. An animal is moved for the purpose of direct export from Great Britain or, prior to such export, to a place from where it is intended that it is so exported.

10. An animal that has been imported into the United Kingdom is moved direct to any premises from its point of entry into the United Kingdom.

11. An animal is moved between premises for the purpose of exercising a right of grazing in common with other proprietors.

12. An animal is moved from any premises to a show or exhibition, provided that the animal–

(a) has not been at a show or exhibition within [0]the standstill period prior to the date it is moved; or

(a) S.I. 1995/11, as amended by S.I. 1995/2922 and S.S.I. 2000/167 and 300 and 2002/34.

(b) S.S.I. 2007/174, as amended by S.S.I. 2007/312.

(c) S.S.I. 2006/73, as amended by S.S.I. 2006/594.

- (b) has been at a show or exhibition within the standstill period prior to the date it has been moved and–
 - (i) has been held separately on the premises from which it is moved in accordance with article 4; and
 - (ii) the premises to which the animal is moved from the show or exhibition are (whether before or after the return movement begins) authorised by the Scottish Ministers for the purposes of the separation condition.

13. An animal is moved (other than to a show or exhibition) from premises by virtue only of the fact that it comes from premises to which an animal is returned after being moved to a show or exhibition.

14. A pig, sheep, goat, cattle or a deer is moved from premises to a place for veterinary treatment or research, provided that a sheep, goat, cattle or deer so moved is held isolated from all other animals whilst the treatment is carried out.

15. A pig, cattle, sheep or goat is moved from premises to an artificial insemination centre.

16. An animal is moved by virtue only of the fact that it comes from premises to which an animal has been returned after being moved in accordance with paragraphs 14 or 15.

17. An animal (in this paragraph “the first animal”) is moved by virtue only of the fact that it comes from premises onto which a goat of either sex has been brought for breeding purposes, and the breeding animal is used for those purposes within 28 days after the first animal is moved.

18. An animal is moved by virtue only of the fact that it comes from premises to which a goat of either sex has been returned after being moved in accordance with paragraph 17.

19. An animal (in this paragraph “the first animal”) is moved after being sold–

- (a) at a market in the Islands area (in this paragraph “the first sale”); and
- (b) within 20 days after the first sale, at a market in any other area,

provided that during the period specified in sub-paragraph (b) the first animal is separated from any other animal (other than an animal kept with the first animal for the purpose of this condition) at the place where it is kept.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Disease Control (Interim Measures) (Scotland) Order 2002 (“the 2002 Order”).

The 2002 Order imposes movement controls on cattle, sheep, goats, all other ruminating animals (other than camelids) and swine. The main control in the 2002 Order is a bar on moving an animal away from premises unless no other animal has been moved onto those premises in a specified period (the standstill period) before the movement away. The 2002 Order also regulates the holding of exhibitions, markets and shows.

This Order provides that movements from premises in the Islands (as defined in article 2(2)) will be subject to a standstill period of 13 days, and movements from premises in other areas of Scotland will be subject to a standstill period of 20 days.

This Order returns (with one exception) the movement controls and regulation of markets and other gatherings in the Islands to the position applying before 24 August 2007, when the Disease Control (Interim Measures) (Scotland) Amendment Order 2007 (S.S.I. 2007/387) (“the 2007 Order”) came into force.

That exception is that notification of a show or exhibition in the Islands must be given to the Divisional Veterinary Manager at least 24 hours in advance, as required by the amendment made to article 7 of the 2002 Order by article 2(7)(a) of the 2007 Order.

The movement controls in the 2002 Order applying in the area of Scotland other than the Islands is amended by this Order, so that an animal moved because it comes from premises to which a breeding bull, ram, or goat is moved, is exempted from the standstill period only if the breeding animal is used for that purpose within 28 days after being moved onto the premises (Schedule 2, paragraphs 6 and 17).

A regulatory impact assessment has not been prepared for this Order.

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